

Section

1. Officers and employees
2. Persons outside city employment
3. Grievance procedure form

§ 1. OFFICERS AND EMPLOYEES.

(A) Unless an employee or employee group is procedurally covered otherwise by state or federal law, any officer or employee of the city who feels aggrieved by an act or decision by the administration, supervisory personnel or other officers or employees shall have the right to process the grievance in accordance with the following procedure:

(1) The aggrieved officer or employee shall present the grievance to the immediate supervisor within three working days of its occurrence or knowledge of its occurrence (except that grievances may be submitted directly to the department director if the grievance is against the immediate supervisor). The grievance (and all subsequent appeals) shall be in writing, and shall set forth the reasons and grounds for the grievance with a statement of relief sought. The immediate supervisor (or department director) shall attempt to adjust the matter, and shall respond to the employee in writing within three (3) working days.

(a) The Grievance Procedure Form shall be used. Both the grievance and proposed solution to grievance sections shall be specific as to facts, names, facility involved, dates, places, etc. State specifically which law, policy, rule, regulation, procedure, condition of employment, past practice or agreement was involved and how it was violated.

(b) Group grievances crossing departmental lines shall be forwarded directly to the Mayor.

(c) If the grievance is based on discrimination or harassment, the grievance shall be forwarded directly to the Mayor; if the grievance is against the Mayor, it shall be forwarded directly to the City Attorney.

(d) An investigation may be conducted at any level of grievance by the recipient of the grievance.

(2) If the grievance remains unresolved, it may be presented by the aggrieved employee to the department director within three working days after receiving the immediate supervisor's response. The department director may agree with the immediate supervisor and return the grievance without further action, or may attempt to resolve the grievance. The department director shall respond to the employee in writing within three (3) working days after receiving the grievance.

(3) If the grievance remains unresolved within the department, it may be presented by the aggrieved employee to the Mayor within three (3) working days after receiving the department director's response. The Mayor may agree with the department director and return the

APPENDIX B: DRUG-FREE WORKPLACE POLICY

Section

1. Policy
2. Drugs with potential for abuse
3. Certification

§ 1. POLICY.

(A) The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited within the workplace of the City of Morehead. (See § 2 for list of drugs with potential for abuse.)

(B) Employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action against such an employee up to and including termination or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.

(C) Each employee is required as a condition of employment to abide by the terms of division (A) above and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

(D) The city shall notify the granting agency within 10 days after receiving notice of a conviction under division (A) above from an employee or otherwise receiving actual notice of such conviction.

(E) The city shall, within 30 days after receiving notice from an employee of a conviction pursuant to division (C) or (D), take appropriate personnel action against such employee up to and including termination.

(F) The city also assures to make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.

(Ord. 9-94, passed 3-14-94)

§ 2. DRUGS WITH POTENTIAL FOR ABUSE.

(A) Barbiturates (Nembutal, Seconal, Amytal, Tuinal, etc.) These are central system depressants that are highly addictive both mentally and physically; they have a high potential for causing overdose reactions and severe and dangerous withdrawal complications.

(B) Minor tranquilizers (Librium, Valium, etc.) These have an effect similar to barbiturates and alcohol but are less powerful in their effect and less likely to produce physical and psychological dependency, although psychological dependency is still very common among users.

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12. Police Department
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17. Hepatitis B vaccination declination

§ 1. BACKGROUND.

The Occupational Health and Safety Act administered under 29 CFR 653, 655, 657 amended and expanded protection of employees potentially exposed to blood-borne pathogens. 29 CFR 1910.1030 is being added under authority of 29 CFR 653. The full text of the new 1910.1030 can be found in Federal Register 6 December 1991 at 64175. This section requires employers to protect potentially exposed employees from infection with pathogens that may be transmitted by contact with blood or other body secretions.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 2. DEFINITIONS.

For the purpose of this policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(A) "BLOOD." Human blood, blood components and products made from blood.

(B) "BLOOD-BORNE PATHOGEN." Any microorganism that can be present in human blood and can cause disease in humans. This includes but is not limited to hepatitis B (HBV) or HIV.

(C) "CONTAMINATED." The presence or the potential presence of blood or other potentially infectious material on an item or surface.

(D) "DECONTAMINATE." To use physical or chemical means to remove blood or other infectious material from surface or item, to render it safe for handling, use or disposal.

Section

1. Purpose
2. Objectives
3. Procedures
4. Responsibility for safety
5. Safety rules

§ 1. PURPOSE.

To establish policies and procedures with respect to the Risk Program Management.

(Ord. 04:97, passed 2-10-97; Am. Ord. 22:2006, passed 8-17-06)

§ 2. OBJECTIVES.

(A) The protection of the city against the financial consequences of accidental losses which are catastrophic in nature and to preserve the city assets and public services capabilities from destruction or depletion.

(B) The minimization of the total long-term cost to the city of all activities related to the identification, prevention and control of accidental losses and their consequences.

(C) The establishment, to the fullest extent possible, of a safe work and service environment in which employees, as well as members of the general public can enjoy safety and security in the cause of their daily pursuits.

(Ord. 04:97, passed 2-10-97; Am. Ord. 22:2006, passed 8-17-06)

§ 3. PROCEDURES.

(A) The Mayor, with City Council approval, shall appoint a Loss Prevention Officer. The Loss Prevention Officer shall be responsible for establishing, implementing, and monitoring an integrated, city-wide safety program.

(B) A Safety and Loss Prevention Committee shall be established to carry-out the purpose and objectives of the city's Safety and Loss Prevention Procedures Policy; the committee shall consist of the following:

- (1) Mayor
- (2) City Clerk
- (3) Representative from Police Department
- (4) Representative from Fire Department
- (5) Representative from Public Works Department

APPENDIX E: TEMPORARY LIMITED DUTY (TLD) POLICY

The city has established a program to assist employees in the event of injury or illness, either on or off the job, by offering temporary limited duty when employees are unable to perform regularly assigned duties and responsibilities. All TLD assignments shall be subject to the following:

(A) This program is intended to provide temporary limited duty; in no way is it intended to be a permanent duty assignment.

(B) TLD assignments (either part-time or full-time) may be made only if meaningful work is available, and the assignment shall be terminated immediately upon approval for the employee to return to regular duties and responsibilities by a medical doctor. If meaningful work is available, any of the following arrangements may be made:

(1) Employees may return to their regular job with alterations in duties;

(2) Employees may be assigned limited duty within the same department; or

(3) Employees may be assigned to duties in another department.

(C) Assignments:

(1) All TLD assignments shall be determined in advance by the employee's Department Director, and shall be approved by a medical doctor and the Mayor prior to the beginning of the TLD assignment.

(2) Work-related TLD has priority over non-work related TLD for assignments in the event that there are a limited number of TLD assignments.

(3) If there are no TLD assignments available, non-work related TLD employees shall be required to utilize accrued sick, vacation, compensatory and/or holiday leave time, or time-off-without-pay if accrued leave is exhausted until an assignment is available. Employees on time-off without pay status as a result of non-work related injury or illness shall not accrue benefits, and shall be responsible for total insurance costs.

(4) (a) Employees assigned to TLD shall report to duty at the assigned time and location, and perform duties as determined in advance. The hourly rate of pay shall remain unchanged during TLD assignments.

(b) Requests for leave shall be made in advance directly with the assigned supervisor, including vacation leave, time off for doctor's appointments, etc.

(c) Pay checks shall be picked up in the assigned department unless alternate arrangements are made prior to payday.

APPENDIX F: DEFINITION OF TERMS

When used in these policies and procedures, the following words and phrases shall have the meaning indicated below, unless the context clearly indicates otherwise:

"ABSENCE WITHOUT LEAVE." An unapproved absence from work.

"ALLOCATE." To assign a position to an appropriate class on the basis of similarity of work and level of responsibility performed in the position.

"APPLICANT." A person who meets the minimum qualifications for a position and who has submitted a completed and signed Employment Application Form provided by the city for a specific position.

"APPOINTING AUTHORITY."

(1) Employee: The Mayor.

(2) Nonelected officer: The Mayor, with approval of the City Council.

"APPOINTMENT." The selection or assignment of an applicant to a position.

"APPOINTMENT, ACTING." A temporary appointment to a position for a limited period of time.

"APPOINTMENT, EMERGENCY." A temporary appointment made to prevent the serious impairment of city business and when the needed employee cannot be selected in the usual manner.

"APPOINTMENT, TEMPORARY." An appointment for a specific period of time to provide the district with work or a service of a temporary or transitory nature.

"CLASS." A group of positions sufficiently similar as to duties performed, level of responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same examination for selection, and the same rate of compensation may be applied to each position in the group.

"CLASS SPECIFICATION." A written statement of the duties, responsibilities and qualification requirements that are assigned to a classification.

"CLASSIFY." The assignment of a position to an appropriate classification.

"CLASSIFICATION." One or more positions having the same job title, minimum requirements, and in the same salary grade.

"CLASSIFICATION AND PAY PLAN." The system of assigning jobs to classes, and assigning classes to an appropriate pay grade based on the duties and responsibilities of the class.

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Cross-reference:

Personnel, see T.S.O. X

GENERAL PROVISIONS

§ 35.001 FOREWORD.

(A) Information included in these policies and procedures, classification plan, and compensation plan is not intended to represent a contract between any employee and the city, and may be changed by the City Council without notice.

(B) The term "established position" indicates the position(s) in each class created by ordinance. Established positions may be either full-time or part-time.

(C) The class(es) and/or number of positions in each may be changed by the City Council without notice, and employee(s) occupying the position(s) may be affected by such changes.

(D) Throughout this document, an "applicant" shall be defined as an individual who meets the minimum qualifications for a specific position and who has submitted a completed and signed employment application form approved by the city for the position.

(E) Throughout the context of these policies and procedures, all references to employee shall include non-elected officers.

(F) If any provision of these policies and procedures is held invalid, such invalidation shall not affect the remainder of this ordinance or its application.

(G) All ordinances that conflict with the contents of this document are hereby repealed.

(Ord. 22:2006, passed 8-17-06; Am. Ord. 16:2009, passed 7-13-09)

§ 35.002 STATEMENT OF PURPOSE.

(A) The city recognizes that a system which is designed to recruit and retain a competent, productive work force is essential to effective, efficient local government. These policies and procedures have been developed in order to achieve optimum efficiency, economy and equity in the pursuit of the city's goals and the utilization of its human resources.

(B) The policies and procedures have been developed in compliance with current federal and state labor laws and applicable court decisions; in no instance shall these policies and procedures supersede federal legislation or state law.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.003 SCOPE OF COVERAGE.

(A) The following are explicitly exempted from coverage unless otherwise specified:

- (1) All elected officials;
- (2) All members of Boards or Commissions;
- (3) Consultants, advisors and counsel rendering temporary services;
- (4) Independent contractors;
- (5) Employees occupying nonestablished positions; and
- (6) Members of volunteer organizations.

(B) All employees (including non-elected officers) not explicitly exempted from coverage of these personnel policies and procedures shall be subject to its provisions unless indicated otherwise in the contents of these policies and procedures.

(C) Individual sections of these personnel policies and procedures may apply to personnel defined in division (A), provided the provision is specifically stated in the section.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.004 STATEMENT OF EQUAL OPPORTUNITY.

(A) It is the policy of the city to ensure equal opportunity for all of its employees and applicants for employment. It is the practice of the city to recruit and hire qualified applicants without regard to race, color, age, sex, marital status, religion, national origin, veteran's status, disability, or because individual is a smoker or nonsmoker. It is also the city's policy to provide equal employment opportunities to all employees with respect to hiring, compensation, promotion, benefits, and all other privileges, terms, and conditions of employment. Opportunities for pay increases, promotion, and advancement are based upon the principle of equal employment opportunity and involve only valid job requirements.

(B) It is the policy of the city to adhere to the requirements of the Kentucky Civil Rights Act (KRS Chapter 344), Title VII of the Civil Rights Act of 1964 (Title VII), the Equal Pay Act of 1963 (EPA), the Age Discrimination in Employment Act of 1967 (ADEA), Title I of the Americans with Disabilities Act of 1990 (ADA), Section 501 of the Rehabilitation Act of 1973, the Drug Free Workplace Act of 1988 (see Alcohol and Drug Free Workplace Policy, Appendix A), and the Family and Medical Leave Act of 1993 (see Section VI.F.).

(Ord. 9-94, passed 3-14-94; Am. Ord. 33:97, passed 10-13-97; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 27:2007, passed 8-13-07)

§ 35.005 AMERICANS WITH DISABILITIES ACT (ADA) STATEMENT.

(A) The city will not discriminate against any employee or applicant for employment because of a physical or mental disability in regard to any position for which the employee or applicant for employment is qualified.

(B) The city agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination based on their physical or mental disability in all employment practices, including the following:

(1) Recruitment, advertising, and job application procedures;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the employer;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Activities sponsored by the employer, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(C) The employer will attempt to make reasonable accommodations whenever necessary for all employees or applicants with disabilities provided the individual can perform the essential functions of the position he/she hold or is seeking, with or without a reasonable accommodation.

(Ord. 22:2006, passed 8-17-06; Am. Ord. 20:2007, passed 8-13-07)

§ 35.006 ADMINISTRATIVE RESPONSIBILITY.

(A) The Mayor, who shall serve as Human Resources Officer, shall administer these personnel policies and procedures.

(B) The Mayor, as the executive authority of the city, may delegate the authority for personnel matters to the City Administrator or City Clerk; provided that such delegation is accomplished by Executive Order, all references to Human Resources Officer throughout this chapter shall mean either the City Administrator or City Clerk. Following the assignment of personnel responsibilities, the City Administrator or City Clerk shall have the authority to carry out the duties and responsibilities required within this chapter, including the implementation and administration of these personnel policies and procedures.

(C) These policies and procedures are intended to cover most personnel problems, actions and issues which may arise. Those not specifically covered shall be interpreted by the Mayor; such interpretation shall be in concert with the spirit and letter of these policies and procedures. In addition, the Mayor may write administrative memoranda to interpret or clarify existing policies; these memoranda shall have the force of policy, and shall be filed with the personnel policies and procedures.

(D) In addition to the duties set forth in these policies and procedures, the Human Resources Officer shall:

(1) Insure that current records of all employees are maintained in accordance with federal and state laws, including:

(a) Employee's name and permanent address;

- (b) Position title;
 - (c) Departmental assignment;
 - (d) Salary;
 - (e) Past changes in employment with the city;
 - (f) EEO-4 requirements;
 - (g) Fair Labor Standards Act requirements;
 - (h) Completed application for employment form;
 - (i) Copy of required educational or training transcripts, certificates, licenses, etc.; and
 - (j) Such additional information as may be required.
- (2) Insure that all changes in the status of employees are recorded in the personnel files.
- (3) Insure that all employees receive a copy of these personnel policies and procedures after adoption by Council.
- (4) Insure that subsequent amendments or additions made in these policies and procedures by the City Council are incorporated herein as follows:
- (a) A list of all officers and employees of the city having custody of these policies and procedures shall be maintained;
 - (b) Immediately upon official amendment or addition, the change or changes shall be written in a manner and format consistent with these policies and procedures;
 - (c) The effective date of the change shall be noted after the word "changed" in the lower right-hand corner of each replacement page or addition; and
 - (d) A memorandum explaining the change with the change or addition attached shall be distributed to all officers and employees assigned custody of a copy of the personnel policies and procedures.
- (E) All personnel decisions are subject to final review and approval by the Mayor, who has responsibility and authority over all personnel matters.
- (F) The City Council's authority, insofar as personnel matters are concerned, extend only to:
- (1) Adoption of the personnel ordinance, including classification plan, compensation plan, and these policies and procedures;
 - (2) Adoption of changes in the personnel ordinance;

(3) Approving the annual budget, including salaries and wages;

(4) Approving the appointment of non-elected officers after recommendation by the Mayor; and

(5) If requested or required, making findings and recommending decisions based thereon to the Mayor.

(Ord., passed 7-20-87; Am. Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.007 EMPLOYMENT PROCESS.

The procedures for filling vacancies in established positions, including newly-established positions, shall be set as follows:

(A) Placement policy.

(1) Vacancies in higher positions may be filled as far as practical by promotion from lower classes. To accomplish this, closed competition may be held when the Mayor determines there is sufficient number of qualified current employees applying for the position. However, the city may go outside the city service to fill vacant positions.

(2) Appointment to an established position with the city shall be made only after the Mayor has determined that the person being considered meets all qualifications prescribed in the class specification for the class in which the appointment will be made.

(3) This policy shall apply to current employees who request a transfer or promotion to a vacant position as well as new applicants for employment or reemployment.

(B) Announcement of vacant positions.

(1) When a vacancy occurs within the city service, current employees may be notified of the vacancy by placing written notices in strategic location or locations throughout the city offices. Notices posted shall include position title, grade, summary of duties, position qualifications, and the time limit for applying. Employees who wish to apply for the position must present a completed employment application form to the Human Resources Officer, thus indicating interest in the vacant position. The Mayor may fill the vacancy by either promoting current employees or employing a person from outside the organization.

(2) When announcements of vacant positions are made outside the organization:

(a) The city lists vacant positions with the local office of the Kentucky Department of Employment Services, and all applications for city employment are accepted by the Department of Employment Services.

(b) If the city elects to advertise the vacant position, all announcements shall be made in a newspaper of general circulation in the city. All announcements shall include such

information as where to apply (the address of the Department of Employment Services), deadline for application, pay range for the position, summary of duties and responsibilities of the position, and position qualifications. All written announcements of vacant positions shall contain the following statement: "An Equal Opportunity Employer."

(c) The Department of Employment Services shall forward the employment application forms for all applicants who meet the qualifications for the position to the Mayor for appointment decisions.

(C) Application for position.

(1) Employment application forms completed by applicants shall include information about the applicant's training and experience and such additional information as required to effectively evaluate the applicant's ability to perform the duties required by the position.

(2) No person may be appointed to a position unless verified information on an official employment application form indicates that the person meets the qualifications for the position as set forth in the class specification.

(3) All employment application forms must be signed and dated by the applicant.

(D) Certification of eligibility for position.

(1) In order to be considered eligible for the vacant position, candidates must meet the necessary and desirable requirements of the position, including, but not limited to, knowledge, skills, abilities, education, and training. Applicants may be required to submit proof of education, training and other documentation as deemed necessary.

(2) The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:

(a) Information the applicant supplies on the official employment application form;

(b) Job-related written, performance or physical tests or examinations, or any combination which may be required by the city;

(c) Personal interview;

(d) Information and evaluations supplied by references given by the applicant;

(e) Background investigations;

(f) Psychological evaluation;

(g) Job-related medical examination, including physical examination, mental examination, and/or substance abuse tests (provided that a formal offer of employment has been extended prior to the medical examination);

(h) Other appropriate information as determined.

(E) Appointing Authority.

(1) The Mayor is the appointing authority for all city employees.

(2) The Mayor is the appointing authority for all non-elected city officers, subject to approval of the City Council.
(Ord. 9-94, passed 3-14-94; Am. Ord. 33:97, passed 10-13-97; Am. Ord. 22:2006, passed 8-17-06)

§ 35.008 EMPLOYMENT OF RELATIVES.

(A) The city does not expressly prohibit the employment of relatives to established positions within the government so long as neither of the related parties are employed in a supervisory role in which the progress, performance or welfare of the other might be directly or indirectly affected.

(B) An employee may not be promoted into a position which could allow direct or indirect influence of the progress, performance or welfare of a relative.

(C) For the purpose of this section, relative is hereby defined as spouse, children, parent, brothers, sisters, and immediate in-laws (same relation to spouse as indicated for employee).
(Ord. 22:2006, passed 8-17-06)

Cross-reference:

See Ch. 40, Code of Ethics

§ 35.009 ORIENTATION OF NEW EMPLOYEES.

(A) An orientation will be made available to all new employees as soon as possible after the first day of employment by the Human Resources Officer or designee.

(B) The orientation shall consist of at least the following:

(1) Explanation of management policies and administrative procedures;

(2) Compensation plan and pay schedule;

(3) Employee benefits; and

(4) Other elements deemed appropriate.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.010 EMPLOYMENT HANDBOOK.

(A) The Human Resources Officer shall insure that a copy of the Employee Handbook is prepared and distributed to all employees occupying established positions. The Handbook shall include a condensed version of these policies and procedures, and is meant to

provide employees with a ready-reference on employment practices and employee benefits.

(B) All new employees placed in established positions shall receive a copy of the Handbook as a part of the orientation.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.011 SUGGESTION SYSTEM.

City employees are encouraged to submit suggestions that could allow the government to operate more efficiently and effectively. Suggestions should be submitted to the department director, who shall forward them to the Mayor along with recommendations for approval or disapproval. Employees who submit suggestions that are implemented will receive recognition at the time the suggestion is implemented.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

CONDITIONS OF EMPLOYMENT

§ 35.015 PROBATION PERIOD.

(A) All employees initially appointed to an established position shall be on probationary status for six (6) months. The probationary period may be extended for a period not to exceed an additional six (6) months upon recommendation of the Department Director and approval of the Mayor. In the event that a probationary employee is absent from work for any excused cause for more than two (2) consecutive weeks, the probationary period shall be automatically extended for the time absent.

(B) Any employee who has served an original probation period and enters another class for any reason (promotion, transfer, demotion, etc.) shall be on probationary status in the new class for six (6) months.

(C) (1) A new employee may be dismissed at-will by the Mayor during the original probationary period, unless otherwise provided by law.

(2) An employee who has served an original probationary period and enters a new class for any reason shall serve a six (6) month probationary period in the new class. During the probationary period, the employee may be (1) reinstated to the former position, or (2) transferred to a position other than the former position, or (3) separated from employment with the city.

(D) Probationary employees shall be evaluated at least every third month during the probationary period; however, additional evaluations may be completed as determined by the Department Director or Mayor.

(E) In the event that an employee in a temporary or seasonal position is appointed to an established position, time served in the temporary or seasonal position shall not be credited toward the completion of a probationary period in the established position.

(F) An employee may be placed on probationary status for disciplinary reasons; the length of the probationary period shall be in line with the cause for disciplinary action.

(G) Provisions (A) through (F) shall not apply to police and communication personnel. Police and communication personnel shall be subject to the probation period set forth in the Standard Operating Procedures and/or Field Training Manuals.

(Ord. 22:2006, passed 8-17-06; Am. Ord. 05:2007, passed 4-9-07; Am. Ord. 16:2009, passed 7-13-09)

§ 35.016 TRANSFER.

Any employee occupying an established position may request a transfer from one position to a comparable position by making the request through the Human Resources Officer to the Mayor, provided the employee possesses the appropriate qualifications for the position, and the position is vacant.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

Cross-reference:

See § 35.007 for procedures

§ 35.017 PROMOTION.

Any employee occupying an established position may apply for promotion to a higher position by making the request through the Human Resources Officer to the Mayor, provided the employee possesses the appropriate qualifications for the position and the position is vacant.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

Cross-reference:

See § 35.007 for procedures

§ 35.018 DISCIPLINARY ACTION.

(A) The policy of the city is to be patient, fair and consistent in the administration of the organization and its employees. When problems arise, emphasis is on improvement and/or correction rather than punishment. However, willful, continued, or inexcusable breaches of city employment rules must be dealt with firmly under a uniform policy which applies to all employees.

(B) When an employee fails to follow any rule, regulation, operating procedure or job requirement, or when actions reflect discredit upon the organization, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense:

(1) Verbal warning (reprimand).

(a) In the case of a minor infraction, the immediate supervisor or department director shall administer the reprimand without rancor as soon as possible after the offense.

(b) The date of the reprimand, along with a description of the occurrence which prompted the reprimand and any comments the employee may have made, shall be noted and placed in the employee's departmental personnel file.

(2) Written warning.

(a) In the case of either a second minor infraction or a more serious first infraction, the immediate supervisor or department director shall give the employee a written warning specifying the reason for such warning and noting any previous verbal or written warnings.

(b) Written warnings shall state that the employee's performance will now be reviewed on a daily basis for improvement and explain the consequences of continued infractions.

(c) The employee shall sign the written warning or the warning shall be signed by a witness; a copy of the written warning shall be forwarded to the Personnel Officer to be placed in the employee's personnel folder.

(3) Suspension.

(a) After either a serious violation or repeated minor violations, the department director shall either suspend the employee with pay until the Mayor reviews the violation, request in writing that the Mayor suspend the employee with or without pay, or both. The request shall include the reason for the suspension, along with details of previous disciplinary action taken against the employee.

(b) The Mayor may suspend an employee with or without pay for any period up to and including four calendar weeks, depending upon the severity of the offense; however, a maximum time limit shall not apply when an employee is suspended with or without pay due to an investigation of an alleged violation.

(c) The suspended employee shall be notified of the suspension in writing within five working days after the time of suspension. The notice shall include the reason(s) for and duration of the suspension, if known.

(d) Employees suspended without pay for a period of four calendar weeks shall forfeit fringe benefits, including accrual of sick and vacation leave during the period of suspension.

(4) Termination of employment (dismissal).

(a) When an offense is continually repeated, or misconduct is serious enough for discharge on the first offense, a department director may recommend dismissal of an employee. The recommendation shall include the reason(s) for dismissal, details of previous disciplinary action taken against the employee, and the recommended effective date and time of discharge.

(b) Provided that the hearing is held, both the employee and the city shall have the opportunity to be represented by counsel and call witnesses as necessary.

(c) The employee shall receive notice of the intent-to-dismiss him. The notice shall include the nature of the offense for which the employee is being discharged in detail, specifying dates,

locations, and the particular nature of the offense committed by the employee.

(d) At the request of the employee, a pretermination hearing shall be held with the employee subject to dismissal action.

(e) Final and formal discharge of an employee shall be the responsibility of the Mayor. Dismissal shall be for cause only.

(f) Pre-termination hearing:

1. An employee who has been notified of an intent-to-dismiss him has the right to appear personally with counsel at a pre-termination hearing held before the Mayor.

2. The pre-termination hearing is informal. It gives the employee the opportunity to respond to charges contained on the letter of notice of intent-to-dismiss.

a. The request for a pre-termination hearing must be made within five (5) working days of the employee's receipt of the letter of intent-to-dismiss, excluding the day it was received.

b. If the employee does not submit a request for a pretermination hearing within five (5) working days, it will be deemed that the employee has waived his right to a pre-termination hearing.

3. The pre-termination hearing shall be held within five (5) working days after receipt of the employee's request, excluding the day the request is received. The employee will be notified in writing as to the time and place of the pre-termination hearing.

4. Within five (5) working days, excluding the day of the pretermination hearing, the Mayor shall uphold, alter, modify, or rescind the intended dismissal. The employee will be notified, in writing, of the Mayor's decision and the reason(s) for same.

5. The decision of the Mayor shall be final.

(5) Demotion or transfer.

(a) In the event that an employee becomes unable to perform the duties as stated in the class specification, the employee may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.

(b) Such action shall be recorded in the employee's file.

(6) The following is a list of common infractions. While this list does not include all actions that call for disciplinary action, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of an efficient workforce.

(a) Incompetence;

(b) Inefficiency;

(c) Dishonesty:

1. Deliberately making or using falsified records, materials, requisitions, and the like;

2. Lying;

3. Personal use of city property;

4. Waste; or

5. Falsifying an Employment Application Form.

(d) Immoral or improper conduct;

(e) Neglect of duty:

1. Repeated failure to be at workstation at starting time;

2. Leaving assigned work area without permission;

3. Failure to attend scheduled meetings;

4. Refusal to accept reasonable assignments;

5. Stopping work before specified time;

6. Deliberate interruption of work;

7. Loitering, loafing or sleeping on job; or

8. Unsatisfactory work and/or attitude.

- (f) Neglect or mishandling of equipment;
 - (g) Excessive absenteeism;
 - (h) Failure to keep time cards accurately or completing another employee's time card;
 - (i) Attempting bodily injury to another person;
 - (j) Fighting or horseplay on city premises at any time;
 - (k) Failure to observe safety rules;
 - (l) Abusive or obscene language;
 - (m) Discourtesy to the public or fellow employees;
 - (n) Conviction of a criminal charge;
 - (o) Untidy attire, torn uniforms, and other failures to maintain a clean, neat appearance;
 - (p) Activities (either on-duty or off-duty) that discredit the individual or organization or cause inefficiency in performing assigned duties;
 - (q) Reporting to work under the influence of intoxicants or illegal drugs, or using, manufacturing or distributing intoxicants or illegal drugs while on duty (including lunchtime);
 - (r) Gambling on the job (including lunch period);
 - (s) Improperly discussing or disclosing confidential information;
 - (t) Making slanderous statements concerning other employees;
 - (u) An accumulation of minor infractions;
 - (v) Violation of, or failure to report a violation of, job-related federal or state laws or administrative regulations; or
 - (w) Failure to follow any other city/job related rule, regulation, and operating procedure or job requirement not specifically mentioned above.
- (Ord. 9-94, passed 3-14-94; Am. Ord. 33:95, passed 12-11-95; Am. Ord. 33:97, passed 10-13-97; Am. Ord. 12:2000, passed 9-18-00; Am. Ord. 22:2006, passed 8-17-06)

Cross-reference:

See Grievance Procedure, Appendix A

§ 35.019 RESIGNATIONS.

(A) An employee wishing to resign from employment with the city should inform the department director of the intended resignation as soon as possible after the decision is made. The notice should be in writing, and should include the effective date of the resignation.

(B) An employee's resignation and its attending reasons, if noted, shall be recorded in the employee's personnel file.

(C) The employment date of an employee who resigns and is reemployed will be the latest date of employment unless specified otherwise by the Mayor.

(D) Any employee who is absent from work for five consecutive days without notifying the department director of the reason for the absence will be considered to have abandoned the job and will be terminated from employment with the city.

(Ord. 9-94, passed 3-14-94; Am. Ord. 33:97, passed 10-13-97; Am. Ord. 22:2006, passed 8-17-06)

§ 35.020 REDUCTION-IN-FORCE.

(A) The Mayor may lay off an employee or employees because of lack of work or funds.

(B) The order of layoff shall be determined by the needs of the city, length of service in a class and length of service with the city, and the performance rating.

(C) Temporary and seasonal employees shall be laid off before employees occupying established positions within classes affected by layoff.

(D) One week before the effective date of the layoff of an employee occupying an established position, the Mayor shall notify the employee of the layoff in writing. The notice shall explain the reason for the layoff, and the duration of the layoff shall be given (if known); a copy of the notice shall be placed in the employee's personnel file.

(E) An employee who has given satisfactory service, and is laid off, shall be eligible for reemployment or continued employment in another position (including a lower position), provided the employee meets the qualifications for the position and that the position is vacant. In the event that an employee accepts a lower position in lieu of layoff, the employee's pay shall not exceed the maximum pay range for the lower position.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.021 LOSS OF JOB REQUIREMENT.

Any employee who is unable to perform required duties because of loss of a necessary license or other requirement may be separated from the city service at the discretion of the Mayor.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.022 MANDATORY RETIREMENT AGE.

The city does not have a mandatory retirement age for its employees.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.023 EXAMINATIONS.

(A) If there is reasonable cause to believe it is warranted, the Mayor may require any employee to submit to a physical or mental examination by a medical professional selected by the city to insure competency to complete assigned duties.

(B) The city shall pay the costs for all required examinations.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.024 POLITICAL ACTIVITY.

(A) No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office.

(B) City employees shall not engage in political activity during assigned duty hours or while wearing uniforms identifying them as city employees. (Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.025 OUTSIDE EMPLOYMENT.

(A) Outside employment is defined as any paid employment performed by an employee in addition to employment with the city.

(B) Any employee desiring to perform outside employment shall first forward a written request through the department director to the Mayor. The request shall state the type of employment, hours of work, name of prospective employer, and place of prospective employment.

(C) Upon the recommendation of the department director, the Mayor may grant the request, provided the following criteria are met:

(1) Such employment shall not:

(a) Interfere with the performance of the employee's duties;

(b) Involve a conflict of interest or conflict with the employee's duties;

(c) Involve the performance of duties which the worker should perform as part of employment with the city; or

(d) Occur during the employee's regular or assigned working hours unless the employee is on annual leave, compensatory leave, or leave without pay.

(2) The employee shall make arrangements with outside employer to be relieved of duties in the event the employee is called for emergency service by the city.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.026 CONFLICT OF INTEREST.

(A) Employees shall not accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom the employee has official relationships or business with the city, except that articles of negligible value which are widely distributed and social courtesies which promote good public relations may be accepted.

(B) The city shall not contract with nor purchase services from employees outside the terms of normal employment conditions.

(C) Employees shall not use confidential knowledge gained through official duty for personal profit.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

Cross-reference:

Gifts, honoraria, see also § 40.05

§ 35.027 USE OF CITY PROPERTY, VEHICLES AND EQUIPMENT.

(A) City-owned property, vehicles and equipment shall be used only in the performance of official city business.

(B) Any employee operating or responsible for the operation of a city vehicle or other equipment shall comply with the city's policy on the operation of vehicles and equipment.

(C) Additional requirements are included in the city's safety policy.

(Ord. 9-94, passed 3-14-94; Am. Ord. 13:97, passed 6-9-97; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 24:2007, passed 8-13-07)

Cross-reference:

Use of city property, equipment, personnel, see also § 40.06

§ 35.028 EMPLOYEE EVALUATION.

(A) All employees occupying established positions shall be evaluated at least annually on an evaluation form approved by the Mayor, except that employees shall be evaluated at least quarterly during the first year in any position.

(B) Evaluations shall be conducted by the immediate supervisor and reviewed by the department director. The supervisor shall review the evaluation with the employee being evaluated; any employee who disagrees with the evaluation may complete a written rebuttal within ten days after the review, which shall be attached to the evaluation form.

(C) The evaluation shall be used to inform employees of how well they are performing their assigned work and how they can improve performance. In addition, the evaluation may be used in determining order of layoff, as a basis for training, promotion, demotion, transfer or dismissal, and for other purposes as set forth in these policies and procedures.

(D) A copy of the evaluation shall be placed in the employee's personnel file.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.029 WORKPLACE HARASSMENT (INCLUDING SEXUAL HARASSMENT) AND DISCRIMINATION.

(A) Policy: it continues to be the policy of the City of Morehead that harassment of its employees in any form is prohibited. The city is committed to providing and maintaining a work environment that is free of unlawful harassment in compliance with local, state and federal requirements. Violations of this policy will result in appropriate corrective action, which may include disciplinary action, up to and including termination.

(B) Objective: to inform and alert employees of the city that harassment in any form will not be tolerated. This is consistent with the city's commitment to equal employment opportunity, health and safety.

(C) Prohibited conduct.

(1) Definitions.

(a) Workplace harassment prohibited by this policy is defined as unwelcome verbal or physical conduct that denigrates or shows hostility toward an individual because of their race, color, religion, gender, national origin, age, or disability, or any other factor whose consideration is prohibited by applicable law, and which has the purpose or effect of creating a hostile or intimidating environment and/or which unreasonably interferes with an individual's work performance or employment opportunities. Such behavior may consist of, but is not limited to, the following:

1. Harassment which occurs when an employee is forced to choose between submitting to harassment and some adverse job consequence, such as not being hired, being discharged, or losing a promotion. Threats of adverse job consequences that are not carried out may also constitute hostile environment harassment.

2. Hostile environment harassment which generally involves unwelcome comments or actions that relate to an employee's race, color, gender, religion, ethnicity or other protected

classification and is so severe and pervasive that it affects the employee's psychological well being at work and/or which creates an offensive or hostile work environment.

(b) Examples of prohibited behavior include, but is not limited to, racial or ethnic slurs, written or graphic material which shows hostility or ridicule toward an individual or group; jokes which are demeaning to a racial or religious group or to a particular nationality, gender, or other protected group of persons; or other behavior which is sufficiently severe and pervasive as to create a hostile, intimidating work environment. Such behavior is prohibited whether between supervisors and employees, among co-workers, or directed at employees of the city by non-employees.

(c) Sexual harassment that is prohibited by this policy includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;

2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or

3. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

(d) Prohibited activity may include, but is not limited to, demands for sexual favors accompanied by threats concerning an individual's employment status; demands for sexual favors accompanied by promises of preferential treatment concerning an individual's employment status; verbal, written or electronic communications of a sexual nature; patting, pinching or unnecessary/unwanted contact with another's body; offensive comments, jokes, innuendoes and other sexually-oriented statements; and sexual conduct that has the purpose, intent, or effect of unreasonably interfering with an individual's work performance or which creates an intimidating, hostile or offensive environment. Such behavior is prohibited whether between supervisors and employees, among co-workers, or directed at employees of the city by non-employees.

(2) Sexual and other harassment are strictly against city policy. Each employee is responsible for behaving in conformity with this policy and shall neither engage in such prohibited conduct nor state (or even imply) that one's refusal to submit to such conduct will adversely affect that person's employment.

(D) Complaint procedure:

(1) Any employee with questions or concerns about any type of harassment in the workplace shall immediately bring these issues to the attention of either his/her supervisor, the City Clerk or the City Attorney. In the event that the employee's supervisor and the alternates are unavailable, the employee is encouraged to discuss the matter with any member of management, including the Mayor.

(2) Similarly, any employee who observes conduct he/she believes is in violation of this policy toward another employee, or believes he/she or another employee is being retaliated against for reporting a violation, shall report such matters immediately to any of the persons identified herein. Delays in reporting a complaint may hinder a subsequent investigation. All reports will be treated as serious in nature.

(3) Once a report of a violation of this policy is received, it will be promptly and thoroughly investigated. Confidentiality will be preserved to the fullest extent possible without compromising the city's ability to conduct a prompt and thorough investigation.

(4) If the investigation determines that remedial or corrective action is required, such action will be taken promptly. Examples of remedial action include, but are not limited to, counseling, training, transfer, suspension, demotion, written warning, and/or termination of employment.

(5) An employee who remains unsatisfied after the investigation may seek review by the Mayor.

(Ord. 22:2006, passed 8-17-06; Am. Ord. 26:2007, passed 8-13-07)

§ 35.030 E-MAIL AND INTERNET POLICY.

(A) The E-mail and Internet systems are to be used for business purposes only, and not for an employee's personal interest or personal business during working hours.

(B) Offensive or vulgar e-mail messages such as messages that contain sexual or racial comments are strictly prohibited, in conformity with the existing policies against harassment and discrimination.

(C) Employees may not attempt to use passwords to gain access to co-workers' e-mail or computer files without prior authorization.

(D) Employees are prohibited from using e-mail, the Internet, or other parts of the employer's system to transmit confidential or privileged information outside the organization without prior written approval.

(E) The employer owns the e-mail system and the information transmitted and stored within. Employees have no expectation of privacy or confidentiality in any of their e-mails. Employee e-mail may be monitored from time to time and is subject to inspection at any time.

(F) Violation of this policy will result in disciplinary action, up to and including termination from employment.

(Ord. 22:2006, passed 8-17-06)

§ 35.031 WEAPONS IN THE WORKPLACE.

(A) Employees are prohibited from carrying, possessing or storing a deadly weapon while on-duty, or upon city property, including vehicles and equipment owned or controlled by the city while on-duty or off-duty except as listed below:

(1) Sworn police officers of the city.

(2) Animal Control officers of the city or an employee acting officially in the capacity of the Animal Control officer as approved by the Mayor.

(B) Deadly weapon shall mean:

(1) Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged.

(2) Any knife, except an ordinary pocketknife or other knife routinely used in the performance of city duties.

(3) Billy, nightstick or club.

(4) Blackjack or slapjack.

(5) Nunchaku karate sticks.

(6) Shuriken or death star.

(C) Artificial knuckles made from metal, plastic or other similar hard material.

(Ord. 22:2006, passed 8-17-06)

§ 35.032 INCLEMENT WEATHER POLICY.

(A) The city is responsible for providing essential services, regardless of weather conditions. Public safety employees and other employees, as determined by each Department Director, may be required to report to work as scheduled, even in the event of weather conditions in which travel to and from work is difficult. Each Department Director shall have the authority to require sufficient employees to report to work in order to meet essential services.

(B) Where individual circumstances exist, such as longer than average distance of travel to and from the work place, the employee may exercise personal judgment in not reporting to work, provided that the immediate supervisor is notified prior to the scheduled time to report to work. This time off will be charged at the discretion of the employee against accrued annual leave or leave without pay.

(Ord. 22:2007, passed 8-13-07)

§ 35.033 VIOLENCE IN THE WORKPLACE.

(A) The safety and security of all employees is of primary importance at the City of Morehead. Threats, threatening and abusive behavior, or acts of violence against employees, visitors, customers or other individuals by anyone on city property will not be tolerated. Violations of this policy will lead to corrective action up to, and including, termination and/or referral to appropriate law enforcement agencies for arrest and prosecution. The city reserves the right to take any necessary legal action to protect its employees.

(B) Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city premises shall be removed from the

premises as quickly as safety permits and shall remain off city premises pending the outcome of an investigation. Following investigation, the city will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

(C) Employees are responsible for notifying the department director or Mayor of any threats that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, employees should report any behavior they have witnessed that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on city controlled site or is connected to city employment or city business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and employee. However, the information may be reported to a law enforcement agency or the person or persons being threatened. (Note: This addresses one spouse or family member threatening and/or harming another.)

(D) Every attempt will be made to maintain the anonymity of the reporting employee. However, the information may be reported to a law enforcement agency or other governmental agencies, so strict confidentiality cannot be guaranteed.
(Ord. 19:2007, passed 8-13-07)

CLASSIFICATION PLAN

§ 35.040 ALLOCATIONS.

In the city's classification plan:

(A) Each established position shall be assigned to an appropriate class on the basis of the duties and responsibilities of the position.

(B) A class may include a single position or two or more positions.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.041 CLASS SPECIFICATIONS.

(A) Each class shall have a specification that includes:

(1) A concise, descriptive title;

(2) A description of duties and responsibilities of the class;
and

(3) A statement of desirable qualifications for the position.

(B) All positions in a class shall be sufficiently alike to permit:

(1) The use of a single descriptive title;

- (2) A description of each of the duties in the class;
 - (3) The same qualifications for each position;
 - (4) The use of the same tests of competence for each position;
- and
- (5) Application of the same pay range to each position.
- (Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.042 REGULAR REVIEW/EVALUATION.

(A) At least once each year the Personnel Officer shall review the duties and responsibilities of each class. If necessary, the Personnel Officer shall recommend reclassification of positions, the creation of new classes, or the abolishment of existing classes.

(B) All changes shall be made by ordinance.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.043 RECLASSIFICATION.

(A) The Human Resources shall recommend reclassification of a position after its duties and responsibilities change materially and it is no longer comparable with other positions in the class.

(B) Whenever the duties of a position so change that no appropriate class for it exists, the Human Resources Officer shall prepare an appropriate class specification for the position and submit it for reclassification to a new class.

(C) Reclassification of a position may not be used to avoid a restriction concerning demotion, promotion, or compensation.

(D) When creating a new class, the format of existing specifications shall be maintained, including all required sections.

(E) All classification changes shall be made by ordinance.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.044 CATEGORIES OF EMPLOYMENT.

(A) All employees of the city shall be classified as (1) full-time; (2) part-time; (3) employees currently receiving benefits from the Kentucky Retirement Systems; (4) temporary or seasonal; or (5) assigned. Definitions of each follow:

(1) Full-time employee: An employee who works 37.5 hours or more per week on a regularly scheduled basis;

(2) Part-time employee: An employee who works less than 37.5 hours per week, but on a regularly scheduled basis;

(3) An employee currently receiving benefits from the Kentucky Retirement Systems.

(4) Temporary or seasonal employee: An employee who works in a position which is of a temporary nature; and

(5) Assigned employee: An employee made available to the city by another agency.

(B) Employees in divisions (A)(1) through (A)(3) may occupy established positions.

(C) (1) Employees in division (A)(1) shall be entitled to all benefits provided by the city.

(2) Employees in divisions (A)(2), (A)(4) and (A)(5) shall be entitled to benefits as follows:

(a) Benefits required by state or federal governments.

(b) Benefits required by retirement or health insurance plans.

(c) Benefits as recommended by the Mayor and approved by the City Council.

(3) Full-time employees in division (A)(3) shall be entitled to all benefits provided for in division (A)(1) employees, except that the employees shall not be entitled to the city's health insurance benefits (however, dental, life and vision insurance shall be available for employees in this category). Part-time, temporary, seasonal and assigned employees in division (A)(3) shall be entitled to benefits as defined in division (C)(2) above.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 32:2007, passed 9-18-07)

COMPENSATION PLAN

§ 35.055 RANGES.

The city's pay plan shall prescribe for each class a minimum and maximum rate of pay, and all employees occupying positions assigned to each class shall be compensated at a rate no less than the minimum amount and no more than the maximum amount of the pay grade to which the class is assigned.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.056 HOURS OF WORK.

(A) Each employee shall work according to a schedule of hours determined by the immediate supervisor or department director.

(B) Flexible hours may be scheduled if recommended by the department director and approved by the Mayor.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.057 OVERTIME/COMPENSATORY TIME.

(A) In order to determine whether an employee will receive overtime pay for hours worked in excess of forty (40) hours per week, each class shall be declared "exempt" or "non-exempt" in accordance with the provisions of federal and state wage and hour laws; the designation shall be placed on each class specification.

(1) Employees in exempt (salaried) classes shall not receive overtime pay, but shall receive compensatory time for all hours worked over the regularly scheduled hours in any workweek.

(a) Compensatory time shall be reported with each payroll and credited on an hour-for-hour basis up to a maximum of forty (40) hours.

(b) Employees taking compensatory time off shall request approval as far in advance as possible.

(c) Employees shall not be compensated for accrued but unused compensatory time upon termination of employment with the city.

(2) Employees in non-exempt (hourly) classes shall receive overtime pay at the rate of one and one-half (1 1/2) times the regular hourly wages for actual hours worked in excess of forty (40) hours in any workweek.

(a) Non-exempt employees may be required to take time off during the same workweek to avoid overtime hours.

(b) Time off with pay, such as vacation or sick leave, may not be considered as hours worked for overtime pay purposes.

(c) Overtime work shall be approved in advance by the employee's immediate supervisor whenever possible, and shall be kept at the minimum consistent with maintenance of essential services and the city's financial resources.

(d) The Kentucky General Assembly enacted legislation that allows the city to choose to award compensatory time to non-exempt (hourly) employees at the rate of one and one-half hours for each hour worked over forty (40) hours in any workweek in lieu of paying overtime. The city elects to continue paying overtime for non-exempt employees, so compensatory time for non-exempt employees shall not be granted.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 16:2009, passed 7-13-09)

§ 35.058 [RESERVED].§ 35.059 CALL-BACK PAY.

Nonexempt employees who are called back to work in emergency situations during nonscheduled work hours shall receive a minimum of

two (2) hours pay, except that employees who are called to work within two (2) hours of the time the employee is scheduled to work shall receive payment for actual hours worked only.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.060 COURT PAY.

Sworn police officers required to appear in court as a result of work-related activities shall receive a minimum of two (2) hours pay.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.061 WORKWEEK.

(A) The official workweek shall begin and end on Friday at 11:00 p.m.

(B) The city may change the official workweek at any time, but not to avoid overtime provisions.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.062 PERIODIC REVIEW.

(A) At least once each year the Human Resources shall:

(1) Compare the salary rates, compensation policies, and the personnel developments of the city with those of other employers in the labor market area;

(2) Analyze fluctuations in the cost of living; and

(3) Examine the salary range for each class of positions in the classification plan to ascertain whether minimum and maximum salaries should be raised or lowered for a particular class or classes during the succeeding twelve (12) months.

(B) Upon the basis of the comparison, analysis and examination, the Human Resources shall recommend any necessary changes to the Mayor; if approved by the Mayor, the changes shall be presented to the City Council for, upon approval, adoption by ordinance.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.063 IMPLICATIONS OF PERSONNEL ACTIONS.

(A) Reclassification of an employee's position from one (1) class to another of comparable pay range shall effect no change in salary for the employee.

(B) An employee whose position is reclassified from one class to a higher class shall enter the higher class at its minimum salary. If the minimum is lower than, or the same as, the employee's salary at the time of the reclassification, the employee shall retain at least the present salary.

(C) If the employee's salary is the same as the minimum, the Human Resources Officer shall determine what salary to recommend for the employee in the reclassified position.

(D) An employee whose position is reclassified from one class to a lower class shall:

(1) Retain that salary if the employee's salary at the effective date of the reclassification does not exceed the maximum salary for the position of the lower class; or

(2) Receive only the maximum if that salary exceeds the maximum.

(E) Whenever a recommendation that a position be reclassified to a class that requires a higher salary is presented to the City Council, an estimate of the financial implications shall accompany the recommendation.

(F) In the event that an employee enters a higher class by promotion, the salary in the higher class shall be the minimum salary for that class unless the minimum is lower than, or the same as, the

salary at the time of promotion. All promotions shall constitute at least a five percent (5%) minimum increase in salary for the employee being promoted.

(G) If an employee is demoted, the employee shall be paid no more than the maximum amount in the grade to which the new class is assigned.

(H) When an employee transfers from a position in one class to a position in an equivalent class, the transfer shall effect no change in rate of pay.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.064 MINIMUM SALARY.

(A) New employees shall receive the minimum salary for the class to which the position is allocated. The Human Resources Officer may recommend appointment to be made at a salary above the minimum, but not more than the maximum, for a class if unusual difficulty is experienced in filling the position or if necessary to hire exceptionally qualified employees.

(B) When a new employee enters a class at a salary above the minimum, documented justification for the higher salary shall be required prior to the actual appointment.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.065 SALARY INCREASES.

(A) The annual budget shall include any salary increases for the budget year effective July 1 annually, subject to availability of revenues.

(B) Individual adjustments may be made during the year as necessary, subject to availability of revenues and current budget.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.066 PAYROLL DEDUCTIONS.

Applicable taxes, court-ordered garnishments, and employee contributions to benefits/programs approved by the Council and applying to all city employees shall be deducted from the participating employee's pay check; however, withholdings for benefits/programs that do not apply to all employees shall not be allowed.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.067 TITLE; GRADE; SALARY SCALE.

(A) The following are hereby adopted as class title and class grade:

| <u>Class Title</u> | <u>Grade</u> |
|----------------------|--------------|
| City Administrator | 39 |
| City Clerk | 32 |
| Assistant City Clerk | 25 |
| Clerk/Cashier | 22 |

| <u>Class Title</u> | <u>Grade</u> |
|---|--------------|
| Business Licensing and Payroll Clerk | 25 |
| Building Inspector/City Planner | 26 |
| Administrative Assistant | 22 |
| City Attorney | 38 |
| ABC Administrator (Part-time) | -- |
| Director of Public Works | 33 |
| Assistant Director of Public Works | 25 |
| Equipment Operator | 22 |
| Laborer III | 20 |
| Laborer II | 19 |
| Laborer I | 17 |
| Mechanic | 22 |
| Assistant Mechanic | 19 |
| Bus Driver | 22 |
| Secretary (Part-time) | 17 |
| Director of Parks and Recreation | 33 |
| Parks Maintenance Supervisor | 21 |
| Recreation Supervisor | 27 |
| Senior Citizens Recreation Supervisor (Part-time) | -- |
| Program Specialist | 21 |
| Parks Maintenance Worker II | 19 |
| Parks Maintenance Worker I | 17 |
| Secretary (Part-time) | 17 |
| Police Chief | 35 |
| Police Captain/Assistant Police Chief | 31 |
| Police Lieutenant | 29 |
| Police Sergeant | 27 |
| Detective Sergeant | 27 |
| Police Officer II | 26 |
| Police Officer I | 25 |
| Police Officer (Recruit) | 23 |
| Citation Officer | 19 |
| Senior Telecommunications Officer/E-911 Director | 27 |
| Telecommunications Officer/Assistant E-911 Director | 24 |
| Telecommunications Officer/Terminal Agency Contact | 23 |
| Secretary/Telecommunications Officer | 23 |
| Telecommunications Officer | 22 |
| Custodian/Perkins Center Director | 20 |
| Fire Chief | 33 |
| Assistant Fire Chief (Part-time) | -- |
| Fire Captain (Volunteer) | -- |
| Fire Engineer (Volunteer) | -- |
| Fire Fighter (Volunteer) | -- |

NOTE: Employees in part-time and temporary positions may be compensated at an amount less than the minimum amount of the assigned grade for established full-time positions.

(Ord., passed 7-2-87; Am. Ord. passed 7-10-89; Am. Ord., passed 8-14-89; Am. Ord., passed 2-24-91; Am. Ord. 9-94, passed 3-14-94; Am. Ord. passed 10-10-94; Am. Ord. 18-95, passed 7-10-95; Am. Ord. 21-95, passed 8-14-95; Am. Ord. 13:96, passed 7-8-96; Am. Ord. 33:97, passed 10-13-97; Am. Ord. 03:2002, passed 3-11-02; Am. Ord. 08:2004, passed 3-8-04; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 10:2011, passed 4-11-11; Am. Ord. 5:2012, passed 2-13-12)

(B) The minimum and maximum salary scale for each grade is listed below:

| <u>Grade</u> | <u>Min.</u> | <u>Max.</u> | <u>Grade</u> | <u>Min.</u> | <u>Max.</u> |
|--------------|-------------|-------------|--------------|-------------|-------------|
| 14 | 15,080 | 24,827 | 23 | 24,072 | 38,515 |
| | 7.46 | 11.94 | | 11.57 | 18.52 |
| 15 | 15,726 | 26,068 | 24 | 25,275 | 40,440 |
| | 7.83 | 12.53 | | 12.15 | 19.44 |
| 16 | 17,107 | 27,372 | 25 | 26,539 | 42,462 |
| | 8.22 | 13.16 | | 12.76 | 20.41 |
| 17 | 17,963 | 28,740 | 26 | 27,866 | 44,586 |
| | 8.64 | 13.82 | | 13.40 | 21.44 |
| 18 | 18,861 | 30,177 | 27 | 29,259 | 46,815 |
| | 9.07 | 14.51 | | 14.07 | 22.51 |
| 19 | 19,804 | 31,686 | 28 | 30,722 | 49,156 |
| | 9.52 | 15.23 | | 14.77 | 23.63 |
| 20 | 20,794 | 33,270 | 29 | 32,258 | 51,613 |
| | 10.00 | 16.00 | | 15.51 | 24.81 |
| 21 | 21,834 | 34,934 | 30 | 33,871 | 54,194 |
| | 10.50 | 16.80 | | 16.28 | 26.05 |
| 22 | 22,925 | 36,681 | 31 | 35,565 | 56,904 |
| | 11.02 | 17.63 | | 17.10 | 27.36 |

| <u>Grade</u> | <u>Min.</u> | <u>Max.</u> | <u>Grade</u> | <u>Min.</u> | <u>Max.</u> |
|--------------|-------------|-------------|--------------|-------------|-------------|
| 32 | 37,343 | 59,749 | 41 | 57,931 | 92,690 |
| | 17.95 | 28.73 | | 27.85 | 44.56 |
| 33 | 39,210 | 62,736 | 42 | 60,828 | 97,325 |
| | 18.85 | 30.16 | | 29.24 | 46.79 |
| 34 | 41,171 | 65,873 | 43 | 63,869 | 102,191 |
| | 19.79 | 31.67 | | 30.71 | 49.13 |
| 35 | 43,229 | 69,167 | 44 | 67,063 | 107,300 |
| | 20.78 | 33.25 | | 32.24 | 51.59 |
| 36 | 45,391 | 72,625 | 45 | 70,416 | 112,665 |
| | 21.82 | 34.92 | | 33.85 | 54.17 |
| 37 | 47,660 | 76,256 | 46 | 73,937 | 118,299 |
| | 22.91 | 36.66 | | 35.55 | 56.87 |
| 38 | 50,043 | 80,069 | 47 | 77,633 | 124,214 |
| | 24.06 | 38.49 | | 37.32 | 59.72 |
| 39 | 52,545 | 84,073 | 48 | 81,515 | 130,424 |
| | 25.26 | 40.42 | | 39.19 | 62.70 |
| 40 | 55,173 | 88,276 | 49 | 85,591 | 136,945 |
| | 26.53 | 42.44 | | 41.15 | 65.84 |

| <u>Grade</u> | <u>Min.</u> | <u>Max.</u> | <u>Grade</u> | <u>Min.</u> | <u>Max.</u> |
|--------------|-------------|-------------|--------------|-------------|-------------|
| 50 | 89,870 | 143,793 | 51 | 94,364 | 150,982 |
| | 43.21 | 69.13 | | 45.37 | 72.59 |

NOTE: (1) 5% progressive difference between grades.
 (2) 60% from minimum to maximum within each grade.
 (3) Annual salary based on 40 hours per week (2080 hours per year)

(Ord. 9-94, passed 3-14-94; Am. Ord. 23:94, passed 10-10-94; Am. Ord. 33:97, passed 10-13-97; Am. Ord. 10:2000, 7-10-00; Am. Ord. 15:2001, passed 6-11-01; Am. Ord. 12:2002, passed 7-8-02; Am. Ord. 24:2003, passed 7-14-03; Am. Ord. 33:2003, passed 10-13-03; Am. Ord. 20:2004, 7-12-04; Am. Ord. 22:2004, passed 9-2-04; Am. Ord. 22:2005, passed 7-15-05; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 31:2006, passed 11-13-06; Am. Ord. 17:2007, passed 6-11-07; Am. Ord. 13:2008, passed 4-24-08; Am. Ord. 11:2009, passed 5-11-09; Am. Ord. 16:2009, passed 7-13-09; Am. Ord. 8:2010, passed 5-10-10; Am. Ord. 09:2012, passed 6-11-12)

BENEFITS

§ 35.080 HOLIDAYS.

(A) The city follows the schedule of holidays as observed by the Commonwealth of Kentucky, and all full-time employees occupying established positions shall receive time off at the regular rate of pay for each holiday.

(B) In addition, any day may be designated as a holiday by proclamation of the Mayor.

(C) In order for an employee to be paid for a holiday, the employee must work the last scheduled day before and the first scheduled day after the holiday unless the absences are approved in advance.

(D) All employees occupying full-time established positions shall receive holiday pay. Employees who work on a holiday shall be compensated for actual hours worked at the regular rate of pay in addition to holiday pay, or shall receive another working day off with pay within the same work week.

(Ord. 9-94, passed 3-14-94; Am. Ord. 08:98, passed 4-13-98; Am. Ord. 22:2006, passed 8-17-06)

§ 35.081 VACATION (ANNUAL) LEAVE.

(A) All employees occupying full-time established positions shall be granted vacation (annual) leave at full pay at the current salary rate. The following schedule shall apply:

(1) During the first seven years of employment with the city, employees shall accrue eighty (80) hours vacation leave per year;

(2) During and after the eighth year of employment with the city, employees shall accrue one hundred twenty (120) hours vacation leave per year.

(B) Vacation leave shall be accrued at the rate of 1/12th of the annual rate per month of employment.

(C) For accrual purposes, a new employee who reports for work on or before the 15th of the month shall accrue the full amount for that month; if employed on or after the 16th, a new employee shall begin accruing vacation leave the beginning of the following month.

(D) New employees shall accrue vacation leave, but shall not be allowed to use accrued leave before completing twelve (12) months of employment.

(E) Insofar as possible, vacation leave should be requested one month in advance; vacation leave may be disapproved if the employee's services are required at the requested time.

(F) After successfully completing twelve (12) months' employment, any employee who terminates employment with the city shall be compensated for all accrued but unused vacation leave, to be included in the employee's final check.

(G) When a former employee is reemployed, the Mayor shall determine whether the person shall be considered a new employee for vacation leave purposes upon review of the employee's record.

(H) Employees absent because of sickness, injury or disability may use accrued vacation leave only after accrued sick leave has been exhausted.

(I) Compensation for vacation leave in lieu of time off shall not be granted.

(J) Accrued vacation leave shall be limited to one hundred sixty (160) hours at any time.

(K) Employees shall not be compensated for any accrued leave at any time the employee is receiving payment for a holiday.

(L) The Human Resources Officer shall insure that accurate records are kept for vacation leave allowance, vacation leave taken, and the current accrued leave for each employee; vacation leave taken shall be limited to the current amount accrued.

(M) Employees on family and medical leave shall first use accrued sick leave, then accrued vacation leave, then other accrued leave benefits, and the remainder of time shall be leave without pay. (Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 16:2009, passed 7-13-09)

§ 35.082 SICK LEAVE.

(A) All employees occupying full-time established positions shall receive eight hours sick leave credit for each month of service.

(B) Sick leave credit may be utilized by employees when they are unable to perform their duties because of sickness or injury or when they are quarantined, or when their absence from work is required due to sickness in the immediate family. (For the purpose of this section, immediate family is defined as spouse, child or parent.) All foreseeable leave for such purposes shall require specific prior written approval of the department director, and in the event of sick leave taken for any purpose, the department director or Human Resources Officer may require a certificate from a medical professional giving information as to the circumstances involved.

(C) For accrual purposes, a new employee who reports for work on or before the 15th of the month shall accrue the full amount for that month; if employed on or after the 16th, a new employee shall begin accruing sick leave the beginning of the following month.

(D) When an employee takes sick leave, the immediate supervisor or department director shall be informed of the fact and the reasons thereof as soon as possible. Failure to notify the supervisor or department director by the scheduled time to report to work on the first day absent may be cause to disallow the use of sick leave credit during the period of absence.

(E) Absence for a part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than two (2) hours.

(F) Sick leave may be accrued up to a maximum of one hundred twenty (120) days (nine hundred sixty (960) hours). Employees who terminate employment with the city shall not be compensated for unused sick leave credit, except that accrued sick leave up to one hundred twenty (120) days may, at the expense of the city, be applied to the employee's CERS retirement, provided that the city elects to participate in the CERS option, and that the employee participates in CERS benefits immediately upon termination of employment from the city.

(1) Employees who resign from the city and subsequently retire from another CERS agency shall not participate in the City of Morehead CERS sick leave buyback option.

(2) Employees who resign from employment with the city and apply for CERS retirement benefits at a future date, whether vested or not vested with the CERS retirement program, shall not participate in the City of Morehead CERS sick leave buyback option.

(G) When a former employee is reemployed, the Mayor shall determine whether the person shall receive any unused sick leave credit from the previous employment period.

(H) Any employee fraudulently taking sick leave may be subject to the city's disciplinary policy.

(I) The Human Resources Officer shall insure that accurate records are kept for sick leave allowance, sick leave taken, and accrued sick leave for each employee.

(J) Employees on family and medical leave shall first use accrued sick leave, then accrued vacation leave, then other accrued leave benefits, and the remainder of time shall be leave without pay, except as follows:

(1) This provision shall not apply when an employee is receiving payments from the city's workers' compensation insurance company and is removed from the city's payroll.

(2) This provision shall not apply to public safety employees who continue to receive incentive pay from the Commonwealth of Kentucky through the city's payroll while on disability leave.

(K) Donating sick leave.

(1) The purpose of this policy is to establish guidelines and procedures for the administration of the sick leave donation program. This program permits city employees to donate a portion of their accrued sick leave time for the use of other employees who are experiencing a personal or family catastrophic illness or injury. Use of donated sick leave time by another employee is permitted after the Mayor determines the receiving employee's eligibility.

(2) Employees may donate accrued sick leave hours to co-workers who have experienced a personal or family catastrophic illness or injury and who have exhausted their own authorized absence from work with pay (family member is defined as spouse, parent or child).

(3) An employee wishing to donate sick leave hours to another employee must meet the following criteria:

(a) Employee must have at least one hundred and fifty (150) sick leave hours accrued prior to the donation of sick leave hours to another employee.

(b) Employee may not donate in excess of forty (40) hours per employee per calendar year. Sick leave may be donated in eight (8) hour increments only.

(c) Employee must sign a statement of understanding regarding the sick leave donation and its effect on the employee's accrued sick leave.

(d) An employee may not donate sick leave hours to another employee who is covered by worker's compensation.

(4) An employee who meets the following criteria shall be eligible to receive up to three hundred and sixty (360) hours per calendar year of donated sick leave hours after the first pay period in which the employee's accrued leave (sick leave, vacation leave, and any other form of accrued leave) balance is zero (0).

(a) An employee may not solicit any other employee on his/her behalf to donate sick leave time.

(b) An employee must be a full-time employee and must have been employed by the city for twelve (12) months or longer.

(c) An employee must be off work due to a verifiable personal or family catastrophic illness or injury.

(d) An employee must provide medical certification of inability to work or certification of a personal or family catastrophic illness or injury of a family member.

(5) A receiving employee may use donated time at the same rate as the receiving employee is normally scheduled to work. (For example, an employee working forty (40) hours per week may not receive and be paid for more than forty (40) hours per week.)

(6) An employee who has received donated sick leave time must return to work at the earliest possible date the employee is fit to work, regardless of the availability of sick leave donations. The city reserves the right to request an opinion from a medical professional of the city's choice to attest to the continued need to be absent from work.

(7) The department director shall process donations of sick leave time on the next pay period upon the receipt of authorization from the Payroll Clerk, ensuring that the hours donated will be transferred to the receiving employee's sick leave account.

(8) An employee receiving sick leave donations will continue to receive all other benefits provided by the city in accordance with the policies and procedures.

(9) Any pay received by the employee as a result of donated sick leave time will be subject to any usual deductions on incomes (i.e., federal and state taxes, retirement, and the like)

(10) Sick leave hours donated but unused shall be returned to the employees who donated the time on a pro-rated basis (i.e., an employee who donates 25% of the total sick leave hours donated shall receive 25% of the sick leave hours donated but not used.)

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 36:2008, passed 10-13-08; Am. Ord. 16:2009, passed 7-13-09; Am. Ord. 09:2010, passed 5-10-10; Am. Ord. 34:2011, passed 11-14-11)

§ 35.083 FAMILY AND MEDICAL LEAVE.

(A) Employees of the city who have completed one year of service and who worked a minimum of twelve hundred fifty (1,250) hours during

the preceding twelve (12) months shall be allowed up to twelve (12) weeks of leave time during any twelve (12) month period for the following reasons:

(1) For the employee to deal with personal serious medical condition that prevents performance of assigned duties.

(2) For the birth and care of a newborn child.

(3) For placement with the employee of a son or daughter for adoption or foster care.

(4) In order to care for an immediate family member (spouse, child or parent) with a serious health condition.

(5) For qualifying exigencies arising out of the fact that the employee's spouse, child or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

(6) To serve as a caregiver for an injured member of the Armed Forces who suffered an injury or illness while on active duty that may render him/her unable to perform required duties.

(a) This option lasts for 26 weeks; and

(b) This option applies to relatives who may serve as caregiver in addition to spouse, child or parent.

(B) A serious medical condition is defined as an illness, injury or impairment, or physical or mental condition that involves either:

(1) Inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or

(2) Continuous treatment by a health care provider, including:

(a) A period of incapacity lasting more than three (3) consecutive, full calendar days, and subsequent treatment or period of inactivity relating to the same condition; or

(b) Any period of incapacity relating to pregnancy or for prenatal care; or

(c) Any period of incapacity or treatment for chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity; or

(d) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or

(e) Any absence to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

(C) The following conditions shall apply:

(1) Employees seeking to use FMLA leave are required to provide a thirty (30) day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable, generally either the same or next business day. When the need is not foreseeable, the employee must provide notice to the employer as soon as practicable, but no later than the beginning of the workday during the first day absent.

(2) Employees must provide sufficient information to the city to reasonably determine whether the FMLA may apply to the leave request.

(3) When it is determined that requested leave meets the criteria for FMLA leave, the city will notify the employee of the decision and request proper documentation if not previously provided by the employee.

(4) While on family and medical leave, the employee shall use accrued sick leave, then accrued vacation leave, then other accrued leave benefits, and the remaining time shall be leave without pay, except as follows:

(a) This provision shall not apply when an employee is receiving payments from the city's workers' compensation insurance company and is removed from the city's payroll.

(b) This provision shall not apply to public safety employees who continue to receive incentive pay from the Commonwealth of Kentucky through the city's payroll while on disability leave.

(5) The employee shall be allowed to return to the same position or an equivalent position with equivalent benefits and pay, provided the employee is capable of performing the essential functions of his or her position upon returning from family and medical leave.

(6) Accrued benefits shall not be forfeited; however, the employee shall not accrue benefits or longevity during the time on leave without pay status.

(7) The city will continue to pay the employer portion for health insurance costs during the FMLA-authorized period. In the event the employee does not return to work following family and medical leave, the employee shall reimburse the city for all insurance costs incurred while the employee was on leave without pay status during the FMLA leave.

(C) For continuing medical conditions, the employee is entitled to leave for the FMLA-authorized period in each year of employment (the employee's first day of absence shall be considered the beginning of the year of employment for family and medical leave purposes); for birth or adoption, the leave option expires one year after the event. (Ord. 9-94, passed 3-14-94; Am. Ord. 09:2004, passed 3-8-04; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 16:2009, passed 7-13-09; Am. Ord. 34:2011, passed 11-14-11)

Cross-reference:

Disability leave, see § 35.084

Leave of absence without pay, see § 35.087

Sick leave, see § 35.082

Vacation leave, see § 35.081

§ 35.084 DISABILITY LEAVE.

(A) Any personal injury arising out of, and in the course of, employment shall be reported to the employee's immediate supervisor immediately; in no instance shall the report be made later than twenty-four (24) hours after the injury was sustained.

(B) Any employee who suffers injury or illness as a result of a service connected accident or illness shall be compensated at the negotiated rate with the worker's compensation insurance company.

(C) Employees shall not accrue sick leave and vacation leave while on disability leave due to service connected accident or illness. However, employees shall be credited with sick leave and vacation leave that would have been accrued for a period of six (6) months after the accident or illness, provided the employee returns to work for at least thirty (30) days.

(D) The city shall continue to contribute the employer portion of medical and life insurance costs for a period of six (6) months, after which time the employee is responsible for the entire costs; the employee shall insure that any employee's share is received by the City Clerk on or before the 10th of each month while receiving worker's compensation insurance.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 34:2011, passed 11-14-11)

§ 35.085 BEREAVEMENT LEAVE.

(A) Employees occupying established positions may be granted from one to three (3) working days off without loss of pay in case of death in the immediate family.

(B) For this purpose, immediate family shall include parents, grandparents, spouse, brothers, sisters, children, and immediate in-laws (same relation to spouse as defined herein).
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.086 SPECIAL LEAVE.

(A) The Mayor may authorize special leaves of absence with or without pay for employees in established positions for any period or periods not to exceed four (4) weeks in any calendar year for purposes deemed beneficial to the city.

(B) Upon recommendation of the Mayor, the City Council may authorize special leaves with or without pay for employees in established positions for any period or periods for purposes that are deemed beneficial to the city.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.087 LEAVE WITHOUT PAY.

(A) Employees desiring leave without pay shall submit a written request through the employee's chain-of-command to the Mayor, who may either approve or disapprove the request prior to the requested date for the leave without pay to begin.

(B) Leave without pay shall be granted only when it will not adversely affect the interests of the city, except that employees shall be entitled to leave without pay when taking family and medical leave in accordance with federal legislation.

(C) Failure of an employee to return to work at the expiration of approved leave shall be considered as absent without leave and grounds for disciplinary action.

(D) An employee granted leave without pay who wishes to return to work before the leave period has expired shall provide written notification to the department director two (2) weeks in advance of the date desired to return to work. The employee may be permitted to return to work at the discretion of the department director.

(E) While on leave without pay, sick leave and vacation leave shall not be earned. In addition, the employee shall be responsible for all insurance costs, payable to the City Clerk on or before the 10th of each month, during the period of absence (except that the employer shall be responsible for the employer's share of health insurance costs during the time on leave without pay status while on family and medical leave).

(F) While on authorized leave without pay, any employee who obtains employment elsewhere, either full-time or part-time, shall notify the Human Resources Officer in writing within three (3) days of accepting such employment.

(G) Upon returning to work following leave without pay, an employee shall be assigned to the same class or equivalent class occupied at the time the period of absence was approved; however, the employee may be assigned to another department at the discretion of the Mayor.

(H) Employees on family and medical leave shall first use accrued sick leave, then accrued vacation leave, then other accrued leave benefits; the remainder of time shall be leave without pay. (Ord. 9-94, passed 3-14-94; Am. Ord. 33:97, passed 10-13-97; Am. Ord. 22:2006, passed 8-17-06)

§ 35.088 ABSENCE WITHOUT LEAVE.

(A) The absence of an employee from duty, regardless of length of time, that is not authorized by the department director shall be deemed as absent without pay and shall be cause for disciplinary action.

(B) The department director shall notify the Human Resources Officer of an employee's absence without leave in writing during the first day absent; in addition, such absence shall be noted on the employee's time card.

(C) When an employee is absent from work due to circumstances beyond the employee's control, the department director may, with the consent of the Mayor, grant emergency leave. Such leave shall be charged to vacation leave, or may be granted on a basis of leave without pay.

(Ord. 9-94, passed 3-14-94; Am. Ord. 33:97, passed 10-13-97; Am. Ord. 22:2006, passed 8-17-06)

Cross-reference:

See § 35.019, Resignations

§ 35.089 MILITARY LEAVE.

(A) KRS 61.394 requires that any employee who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to leave of absence from his/her respective duties without loss of time, pay, regular leave, impairment of efficiency reassign, or of any other rights or benefits to which he/she is entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, any employee, while on military leave, shall be paid his/her salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. KRS 61.396 extends the provisions of KRS 61.394 to officers and employees of counties, municipalities, school districts, or other political subdivisions of the state.

(1) The regulations are clarified as follows:

(a) The twenty-one (21) calendar days are interpreted as fifteen (15) working days.

(b) The policy applies to training for which "competent" orders have been issued (i.e., summer camp, responding to Hurricane Katrina, etc.), and does not apply to weekend training requirements.

(c) Employees who are on active duty and unable to attend the "summer camp" shall accrue the training days in compliance with KRS 61.394 and shall not be compensated for the days.
(KRS 61.394, 61.396)

(B) A written request for military leave, along with a copy of the training orders, must be submitted two (2) weeks before the effective date of the leave.

(C) In the event an employee is called to active military duty (for reasons other than those identified in KRS 61.394), the provisions of Title 38, United States Code, Chapter 43, Employment and Reemployment Rights to Members of the Uniformed Services, shall apply. Employees shall be separated from the city payroll and shall not accrue benefits during the period of active duty.

Source: Commonwealth of Kentucky Department of Personnel.

(Ord. 9-94, passed 3-14-94; Am. Ord. 19:2000, passed 11-13-00; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 23:2007, passed 8-13-07; Am. Ord. 16:2009, passed 7-13-09)

Statutory Reference:

Military leave, see KRS 61.394 and KRS 61.396.

§ 35.090 JURY DUTY.

(A) When an employee is required to serve on a jury, the employee shall be compensated at the normal rate of pay while serving on jury duty; compensation received by the employee from the court shall be turned over to the city, except for meal or travel expenses incurred. Employees serving on jury duty shall be absent from work only during the times required by the courts.

(B) Employees summoned as a plaintiff or defendant in a proceeding involving or arising from outside employment or personal business shall not be entitled to leave with pay, but may use accrued vacation leave while absent.

(C) This section shall apply to sworn police officers.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.091 INSURANCE.

(A) Health insurance. The city will pay ninety-four percent (94%) of the costs for individual, parent/child, employee/spouse or family coverage for employees as set forth in § 35.044(C). The employee shall be responsible for six percent (6%) of the coverage he/she elects. Employees who do not participate in the plan shall not receive compensation or additional benefits in lieu of health insurance coverage. [Health insurance shall not be available for employees defined in § 35.044(A) (3) above (employees currently receiving benefits from the Kentucky Retirement Systems).]

(B) Dental insurance. The city will pay ninety-four percent (94%) of the costs for individual, parent/child, employee/spouse or family

coverage for employees as set forth in § 35.044(C). The employee shall be responsible for six percent (6%) of the coverage he/she elects. Employees who do not participate in the plan shall not receive compensation or additional benefits in lieu of dental insurance coverage.

(C) Vision Insurance. The city will pay ninety-four percent (94%) of the costs for individual, parent/child, employee/spouse or family coverage for employees as set forth in § 35.044(C). The employee shall be responsible for six percent (6%) of the coverage he/she elects. Employees who do not participate in the plan shall not receive compensation or additional coverage in lieu of vision insurance coverage.

(D) Life insurance. The city pays the full costs for limited life insurance for employees and their families for all employees as set forth in § 35.044(C).

(E) Worker's compensation insurance. The city pays total costs.

(F) Unemployment insurance. The city pays total costs.
(Ord. 9-94, passed 3-14-94; Am. Ord. 20:2006, passed 6-12-06; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 32-2007, passed 9-18-07; Am. Ord. 21:2008, passed 7-23-08)

Cross-reference:

See § 35.39, Categories of employment.

§ 35.092 RETIREMENT.

(A) County Employees Retirement System.

(1) All qualifying employees are required to join the CERS retirement plan. The city and participating employees contribute amounts determined by CERS. The Police and Fire Department employees who meet CERS qualifications shall receive hazardous coverage.

(2) Employees who retire from either the City of Morehead or another qualifying CERS agency and subsequently wish to be employed by the city shall follow the city's employment process when candidates outside current city employees are considered. In addition, applicants who are receiving CERS benefits and are employed by the city shall meet all requirements of CERS.

(B) Social security. The city and its employees contribute amounts at the rate determined by Congress.

(Ord. 10-93, passed 8-11-93; Am. Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 21:2007, passed 8-13-07)

§ 35.093 CREDIT UNION.

Employees occupying established positions who wish to join the Morehead State Federal Credit Union may have a designated amount withheld from each pay check.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 35.094 EXPENSE REIMBURSEMENT.

(A) No officer or employee of the city shall receive or be allowed any lump-sum expense allowance or contingency fund for personal or official expenses.

Statutory reference:

See KRS 64.710

(B) All travel shall be approved in advance by the department director. The following rates shall apply for any officer or employee of the city incurring expenses for approved travel on behalf of the city:

(1) Room costs: Reimbursement for actual amount on receipt;

(2) Meals: The city shall allocate up to thirty dollars (\$30.00) per day for meal costs, including fifteen percent (15%) gratuity. A receipt for meal costs shall not be required; however, the travel times shall comply with the following:

(a) Breakfast: seven dollars (\$7.00) (departure before 6:00 a.m. or overnight lodging is required);

(b) Lunch: eight dollars (\$8.00) (departure from city before 11:00 a.m. and return from travel is after 2:00 p.m.)

(c) Dinner: fifteen dollars (\$15.00) (departure from city is before 5:00 p.m. and return from travel is after 8:00 p.m.)

(3) Travel: City-owned vehicles shall be used for travel when available; when an employee is required to use personal vehicle for travel to benefit the city, the employee shall be reimbursed at the per-mile rate allowed by Commonwealth of Kentucky.

(C) The Mayor of the city may be reimbursed for meal expenses including meal expenses for guests, when dining on official city business.

(D) The expense reimbursement form must be completed (including required receipts) and submitted to the department director or Human Resources Officer within three working days after returning from travel.

(E) The expense reimbursement form must be signed by the employee requesting reimbursement, the department director, and the Mayor. (Ord. 9-94, passed 3-14-94; Am. Ord. 08:98, passed 4-13-98; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 12:2012, passed 6-11-12)

§ 35.095 CAREER DEVELOPMENT.

(A) Subject to budgetary considerations, all full time, established employees of the city are encouraged to participate in in-service training and/or educational programs that will enhance career development. Seasonal or part-time employees may participate in in-service training only, not educational assistance, if required by their job description and recommended by the Department Head. Participation

in any career development program, in-service training or educational assistance, must be approved in writing in advance by the Mayor. A record of all programs attended and/or grades received for educational classes shall be maintained in the employee's personnel file:

(1) In-service training. The following are provided for employees participating in approved in-service training programs:

(a) Registration fees and travel expenses;

(b) Time off with pay to attend programs if held during regular working hours.

(c) Officers and employees may be reimbursed in advance for meal costs. Officers and employees must complete a Meal Reimbursement Form which must be signed by the Department Head and Mayor to qualify for reimbursement. Officers and employees shall not be reimbursed for meal costs if the meals are included in the registration fee for a conference, training program, and the like; and

(d) The city may provide on-location training programs for employees, or may request that employees attend training programs at other locations.

(2) Educational assistance. Upon advanced approval by the Department Director and Mayor, when a full-time, established employee enrolls in for-credit classes at a university or college, the city may reimburse the full-time employee for one-half of the full-time employee's out of pocket expenses incurred for tuition and books:

(a) Full-time employees shall be eligible for educational assistance after completion of six (6) months satisfactory service with the city.

(b) Classes must relate to the employee's job duties and responsibilities or be a required class for completion of a degree which is related to the employee's job duties or responsibilities.

(c) A maximum of twelve (12) semester hours per fiscal year (July 1 - June 30) may be authorized.

(d) College classes shall be limited to a maximum of one-hundred and twenty-eight (128) hours of undergraduate studies and thirty (30) hours of graduate study for each employee.

(e) All classes shall be during non-working hours.

(f) Upon completion of an approved class, said employee shall submit in writing a request for reimbursement. The following documentation shall be submitted with said request:

1. A copy of a transcript evidencing that the student receive a grade of "C" or better for undergraduate studies or a grade of "B" or better graduate studies;

2. Financial aid information evidencing that the employee submitted the proper paper work for financial aid and the

actual amount of financial aid including grants, loans, scholarships, and other third-party payments received by the employee; and

3. Receipts for the costs of the book(s) and tuition.

4. A copy of the Mayor's written approval for said education assistance.

(B) The city may pay dues for membership in professional or service connected organizations upon recommendation of the department director and approval of the Mayor, subject to availability of revenues.

(Ord. 9-94, passed 3-14-94; Am. Ord. 07:97, passed 3-10-97; Am. Ord. 23:98, passed 10-12-98; Am. Ord. 25:2004, passed 10-11-04; Am. Ord. 22:2006, passed 8-17-06)

§ 35.096 TAXABLE BENEFITS.

(A) City-owned vehicle usage: unless specifically exempted by federal regulations, take-home city vehicles shall be a taxable benefit. Employees who drive city-owned vehicles to and from work shall be credited with additional gross income for tax purposes in the amount of one dollar and fifty cents (\$1.50) per day for each day the vehicle is driven to work and one dollar and fifty cents (\$1.50) per day for each day the vehicle is driven from work. (For example, an employee who drives a city-owned vehicle to and from work ten (10) times during the pay period shall be credited with an additional income of thirty dollars (\$30.00) for tax purposes for the pay period.)

(B) Uniform policy:

(1) The annual budget process shall determine the uniform policy of the city.

(2) All employees who are authorized to wear uniforms provided by the city shall wear the uniforms during all working hours. Uniforms provided by the city shall be worn only to and from work, and while at work.

(3) If the city provides "everyday apparel" in lieu of uniforms (i.e., blue jeans, civilian clothing for sworn police personnel, etc.) to employees, the actual allowance or cost of apparel shall be considered taxable benefits and credited with additional income for the amount of the expenses for tax purposes for each pay period.

(4) Employees eligible for safety (steel-toed) shoes shall wear the shoes at all hours while at work. Safety (steel-toed) shoes shall not be considered taxable benefits.

(C) Telephone policy:

(1) The city telephones are intended for business purposes and personal use shall be limited. All cellular phones issued to employees have a basic plan, including a limited number of minutes allowable each month at no additional costs. In the event an employee exceeds the allowable minutes and/or incurs other costs (roaming, etc.) that add to total costs above the costs for basic service in any month, he/she shall reimburse the city monthly for all costs/charges above the costs for basic service.

(2) Cellular phones are considered a taxable benefit. The city will randomly select one month each calendar year for tax reporting purposes. During that month, the percentage of personal use will be compared with total business use to determine the personal use of the cellular phone. The percentage of personal calls, coupled with the percentage of the cost for the cellular phone, if separate, will be used for reporting the taxable benefit for the calendar year. (For example, if the costs for services are forty dollars (\$40.00) per month, and the employee used the cellular phone twenty-five percent (25%) for personal use during the month surveyed, one hundred twenty dollars (\$120.00) per year ($\frac{1}{4}$ th of \$40 = \$10 X 12 months = \$120) will be reported for tax purposes.)

(Ord. 25:2007, passed 8-13-07)

§ 35.097 ELECTION DAY.

(A) An employee entitled to vote at any election in the Commonwealth shall be entitled to at least four (4) hours to vote on election day or to request an application for or execute an absentee ballot.

(B) The employee's Director may specify the hours during which an employee may absent himself/herself to ensure that all departments are properly staffed at all times.

(C) An employee shall request said leave at least one (1) day in advance of the time requested off.

(D) Said leave shall be without compensation.

(E) Presidential general elections shall be considered a holiday in accordance with § 35.080.
(Ord. 17:2012, passed 7-9-12)

grievance without further action, may further investigate the grievance, or may schedule a hearing. The Mayor shall respond to the aggrieved employee in writing within ten (10) working days after the grievance is received. The decision of the Mayor shall be final.

(B) If a hearing is held at any level, both the city and the aggrieved employee may be represented by counsel.

(C) If requested, temporary and seasonal employees will be advised of their rights to file grievances regarding discrimination by the Human Resources Officer.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 16:2009, passed 7-13-09)

§ 2. PERSONS OUTSIDE CITY EMPLOYMENT.

(A) If any person or persons outside the city employment, including protected class individuals, feels aggrieved by an act or decision of the city legislative, executive, administrative, supervisory, or other officers or employees, the grievance shall be processed in accordance with the following procedure:

(1) The individual may request a Grievance Procedure Form from the City Clerk, complete the grievance and proposed solution to grievance sections, and forward the form directly to the Mayor.

(2) The completed Grievance Procedure Form shall be specific as to facts, names, facility involved, dates, places, etc., and received by the Mayor within the time limit as required by federal law.

(3) The Mayor may conduct an investigation, and shall respond to the grievance in writing within 30 days after receiving the grievance.

(4) If the grievance remains unresolved, it may be presented to the City Council within 30 days after receiving the Mayor's response. The City Council shall respond to the grievance within the time limits as required by federal law.

(B) If the aggrieved person or persons is not satisfied with the decision of the city, the Human Resources Officer will advise the person or persons of the available alternatives.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 16:2009, passed 7-13-09)

§ 3. GRIEVANCE PROCEDURE FORM.

CITY OF MOREHEAD

TO:

FROM:

I wish to file the following grievance:

Proposed solution to grievance:

Signature

Date

Response of

:

Received

Signature

Returned

The attached sheet shall be completed to continue the grievance at each level.

After receiving the response from _____ on _____
(Date)

- () I am satisfied with the resolution of the grievance;
() I am dissatisfied with the resolution of the grievance, and
wish to appeal the decision to the next higher level.

Signature _____ Date _____

Response of _____ :

Received _____ Signature _____ Returned _____

After receiving the response from _____ on _____
(Date)

- () I am satisfied with the resolution of the grievance;
() I am dissatisfied with the resolution of the grievance, and
wish to appeal the decision to the next higher level.

Signature _____ Date _____

Response of _____ :

Received _____ Signature _____ Returned _____

Use additional sheet(s) to continue grievance.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

(C) Narcotics (opium, morphine, heroin) These are drugs that act upon the central nervous system and parasympathetic nervous system to reduce pain, induce sleep and give a calming effect. They are very physically and psychologically addicting and, because of the haphazard manner in which they are manufactured and sold, frequently are used excessively.

(D) Stimulants (amphetamines, cocaine) These are drugs that affect the central nervous system, causing increased alertness and activity and bringing on a feeling of confidence and well-being. They cause psychological dependency but their ability to cause actual physical dependency is not clear. They can have negative psychological effects when overused.

(E) Hallucinogens (LSD, mescaline, psilocybin, PCP, etc.) These drugs act upon the central nervous system and produce changes in perception with accompanying excitement to the user. They are not likely to cause psychological or physical dependency. They are somewhat unreliable in their effect and may cause extreme anxiety reactions or panic states in some users.

(F) Marijuana The active ingredient in marijuana is THC, which is sometimes classified as an hallucinogen. The actual amount of this chemical in marijuana is quite low, however, and hallucinations are rare. It generally has an intoxicating effect and may heighten sensory perception, especially auditory perception. There are almost no observable physical effects due to marijuana use. It can produce a psychological dependence somewhat similar to caffeine and has no potential for physical dependence.

(G) Volatile substances (gasoline, paint thinner, lighter fluid, airplane glues, etc.) These substances act on the central nervous system and produce an intoxicating effect. They can be extremely dangerous, causing either brain damage or death from overdose.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 3. CERTIFICATION.

I, _____, do hereby certify that I have read and understand the city's Drug-Free Workplace Policy, and have received a copy of the aforementioned policy.

Signature

Date

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

Editors Note:

Ord. 10:96, passed 5-13-96, amends job descriptions of safety sensitive positions; i.e. Director and Assistant Director of Public Works, Equipment Operator, Laborer I and II, Mechanic and Assistant Mechanic, Bus Driver and Assistant City Clerk, to include specific drug testing requirements.

(E) "ENGINEERING CONTROLS." Controls that isolate or remove blood-borne pathogen hazards from the workplace.

(F) "EXPOSURE CONTROL PLAN." A written exposure control plan (ECP) designed to eliminate or minimize employee exposure. For those with an occupational exposure to blood-borne pathogens, employers are required under 29 CFR 1910.1030 to have a written exposure control plan, with annual review and updates as the law is amended.

(G) "EXPOSURE INCIDENT." A specific eye, mouth, nasal membrane, non-intact skin or other parenteral contact with blood or other potentially infectious material in the course of employee's job.

(H) "HBV." Hepatitis B virus.

(I) "HIV." Human immunodeficiency virus.

(J) "OCCUPATIONAL EXPOSURE." Reasonably anticipated skin, eye, mouth, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's job.

(K) "OTHER POTENTIALLY INFECTIOUS MATERIAL." Bodily fluids, including semen, vaginal secretions, cerebrospinal fluid, synovial fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; any unfixed tissue or organ from a human; and HIV-containing cell or tissue cultures, organ cultures, and HIV or HBV containing-culture medium or other situations, and blood from experimental animals infected with HIV or HBV.

(L) "PERSONAL PROTECTIVE EQUIPMENT." Specialized clothing or equipment worn by an employee for protection against contamination with blood-borne pathogens or other potentially infectious materials.

(M) "REGULATED WASTE." Liquid or semi-liquid blood or other potentially infectious materials (OPIM); contaminated items that would release blood or OPIM if compressed or wet or handled (examples include but not limited to gloves, paper towels, rags, syringes, needles).

(N) "SOURCE INDIVIDUAL." Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

(O) "UNIVERSAL PRECAUTIONS." An approach to infection control whereas all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

(P) "WORK PRACTICE CONTROLS." Controls that reduce the likelihood of exposure by altering the manner in which a task is performed.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 3. PURPOSE.

This plan applies to all occupational exposure to blood or other potentially infectious materials. The purpose of this plan is to eliminate or minimize exposure of designated city employees to blood-borne pathogens.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 4. EXPOSURE DETERMINATION.

(A) Employees in the following job classifications have exposure to blood-borne pathogens:

(1) Police officers.

(2) All firefighters (including volunteers).

(3) Parks and recreation employees who work with recreation programs, including lifeguards.

(4) Employees who handle refuse from unknown sources (sanitation workers, janitorial etc.).

(B) Employees in the following job classifications may have limited occupational exposure to blood-borne pathogens:

(1) Maintenance workers.

(2) Mechanic/assistant mechanic.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 5. TASKS PERFORMED THAT MAY LEAD TO BLOOD-BORNE PATHOGEN EXPOSURE.

(A) Handling prisoners who have cuts or other sources of bleeding.

(B) Being injured in any way by a prisoner or other person in line of duty.

(C) Contamination of eye, mouth, nose, or open skin.

(D) Contamination of any organ in division (C) while cleaning a vehicle of blood, etc.

(E) Improper handling of used gloves, soiled clothing, contaminated items (towels, weapons, clothing, glasses, etc.).

(F) Care of person involved in an accident.

(G) Care of person involved in a fire.

(H) Performing CPR or attempting to control bleeding.

(I) Performing maintenance on sanitation vehicles or police vehicles.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 6. PRECAUTIONS OBSERVED TO ELIMINATE OR MINIMIZE EXPOSURE.

(A) Hand washing facilities shall be maintained in all facilities with potable running water, soap, and single-use paper towels or hot air hand dryers.

(B) Situations that prevent hand washing in a facility will be handled by having in the vehicle a hand washing solution such as a water solution mixed to 10% bleach strength or bottle isopropyl alcohol, or prepacked hand wipes with benzalkonium chloride and disposable one-use paper towel. When an exposed personnel uses this method of hand washing, they shall, as soon as practical, go to a facility and wash their hands with soap and water.

(C) Employees shall wash their hands after removal of protective gloves, contamination by a potential infectious material and after removal of protective clothing.

(D) Employees shall wash their hands or other body parts and flush all mucous membranes with copious amounts of water immediately or as soon as feasible after contact with blood or other infectious material.

(E) Contaminated paper towels, gloves or other materials used to clean or disinfect hands while in vehicles shall be packed in closable plastic bag and securely closed. This plastic bag contains regulated hazardous waste. It shall be stored in the trunk of the vehicle and as soon as feasible taken to the facility (police department or fire department) for disposal into a biohazard red plastic liner, closed trash container.

(F) Specimens of blood or other bodily fluids, materials or tissue shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport or shipping.

(G) Such materials noted in division (F) shall be labeled and color-coded in red prior to being transported, mailed, shipped or stored.

(H) Equipment which may be contaminated with blood or other infectious material shall be inspected prior to servicing or reuse. It shall be decontaminated prior to continued use, shipping, storage or transportation.

(I) Decontamination of equipment and items may be accomplished with a solution of 10% bleach or hot soap and water or undiluted rubbing alcohol, while wearing protective equipment.

(J) Personal protective equipment shall be provided to all employees with a potential for exposure to blood and other infectious materials. It shall include the following:

(1) Gloves made of nonpermeable latex of sufficient strength that they do not tear or puncture for the duration of time which the protective equipment is in use. Vinyl gloves are not suitable in most instances, as they tear and puncture easily.

(2) Gloves shall be single use; they shall not be reused or washed.

(3) Utility gloves may be washed and reused if the integrity of the rubber is not disrupted (such as heavy rubber gloves used in the cleaning and washing of contaminated cruisers).

(4) Eye protection in the form of goggles or glasses with solid side shields shall be made available to all designated personnel for protection from situations where there may be droplet spray of blood or other infectious materials.

(5) Shoe covers or boots will be provided and worn in situations where gross contamination can be reasonably expected.

(6) If a garment (uniform or over gown) is penetrated by blood or other infectious material, it will be removed immediately or as soon as possible. Cleaning of garment shall be provided by employer at no cost. Garment will be placed in biohazard bag and transported to appropriate laundry or cleaning facility.

(K) Worksite shall be maintained in clean sanitary manner. Regulated hazardous waste, such as used gloves or contaminated towels, will be disposed of in a red biohazard bag. Contaminated work surfaces shall be washed down with 10% bleach or alcohol as soon as possible after contamination with blood or other infectious material.

(L) Regulated waste containers shall be closable, lined with a red biohazard leakproof sealable bag. This biohazard bag shall be closed prior to removal from the worksite and disposed of in accordance with applicable regulations of the United States and Commonwealth of Kentucky.

(M) Employees having contact with contaminated wastes, contaminated laundry or contaminated vehicles or equipment shall wear protective gloves and, if appropriate, eye protection and surgical face masks (example: in washing down a blood-contaminated vehicle, the person working or hosing down the vehicle should wear gloves, goggles and mask).

(N) All protective equipment, laundry of contaminated blood-penetrated uniforms, cleaning of equipment and repair of protective equipment shall be provided to the employee at no cost.

(O) Protective equipment shall be readily accessible and issued to employees in sufficient quantities to ensure availability. Employees needing specialized gloves for proven allergy to latex or glove powders will be provided with hypoallergenic gloves or glove liners.

(P) All spills of blood or blood-contaminated fluids should be promptly cleaned, using an EPA approved germicide or a 1:100 solution of household bleach in the following manner while wearing gloves. Visible material should be removed with disposable towels or other appropriate means that will ensure against direct contact with blood.

If splashing is anticipated, protective eye wear should be worn along with an impervious gown or apron which provides an effective barrier to splashes. The area should then be decontaminated with an appropriate germicide.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 7. VACCINATION.

Hepatitis B vaccination will be made available to all employees with exposure levels as defined in § 4 (A) and (B) at no cost to the employees.

(A) Vaccination will consist of three separate injections of hepatitis B vaccine into the deltoid arm muscle. The vaccination shall occur on day 0, day 30 and at 6 months. A post test will be completed 60 days after the vaccine series has been completed to determine if antibodies have developed, and a booster shot will be given if necessary following the post test.

(B) Employees will not be required to accept vaccination; however, employees who decline the vaccination must sign a waiver.

(C) Employees who decline vaccination and subsequently decide to be vaccinated will receive the vaccine at no cost to the employee, provided occupational exposure still exists.

(D) Employees who have been previously vaccinated and show immunity through blood antibody testing will not be reimmunized.

(E) Newly employed personnel in classes with exposure levels as defined in § 4 (A) and (B) shall be offered vaccination as soon as practical following employment.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 8. POST-EXPOSURE EVALUATION.

If an employee has a specific job-related incident that results in Exposure Incident, as defined in § 2, a confidential medical evaluation and follow-up will be provided by the city.

(A) Employee must report exposure incident to employer immediately.

(B) Documentation of route of exposure and circumstances of exposure must be written.

(C) Report of source individual identification shall be included in the report unless not feasible or prohibited by state or local law.

(D) Source individual's blood may be drawn under protective precautions, with written permission of source individual, in order to test for HBV and HIV. If consent is not obtained, then employer shall establish that legally required consent cannot be obtained. If source individual refuses blood test for HBV and HIV, blood cannot be drawn without permission of the courts under Kentucky law.

(E) If source individual is already known to be infected with HBV or HIV, testing of source individual for known infection need not be repeated.

(F) Exposed employee's blood shall be collected as soon as feasible after written consent for testing is obtained.

(G) If exposed employee consents to HBV testing but refuses HIV testing, their serum for HIV testing shall be frozen for 90 days. If within 90 days the employee decides to allow HIV testing baseline, it shall be provided as soon as possible at no cost to the employee.

(H) All testing shall be done by a reputable certified laboratory and paid for by the city.

(I) Employee blood testing shall be accomplished as follows after written permission to test:

(1) Baseline blood test for HBV surface antibody (to determine immunity) and HBV and HIV test baseline. If HIV baseline is negative, then exposed employee will be retested for HIV in 6 weeks, 12 weeks and 6 months post exposure.

(2) If an employee with exposure has not been immunized or not completed all immunizations, they will be given with their permission HBV immune globulin injections, HBV vaccination #1 ABD gamma globulin injection. All testing and injections and follow-up care will be paid for by the city.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 9. INFORMATION AND TRAINING.

(A) All employees with occupational exposure shall participate in a training program on precautions and prevention of HBV and HIV, at no cost to the employee and during working hours.

(B) Training will be provided for newly employed personnel in classes with exposure levels as defined in § 4 (A) and (B) as soon as practical following the beginning of employment.

(C) Training shall be repeated annually.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 10. MEDICAL RECORDS.

(A) Employer will maintain medical records of all vaccinations, post-exposure evaluations and health care related to exposure in accordance with 29 CFR 1910.20.

(B) Employee training records shall be maintained in accordance with 29 CFR 1910.20.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 11. FIRE DEPARTMENT.

(A) The guidelines that appear in this section apply to both firefighters and emergency medical service personnel. Since firefighters perform emergency medical services, exposure common to both fire and EMS must be included for this class.

(B) The following guidelines are intended to assist personnel in making decisions concerning the use of personal protective equipment and resuscitation equipment, as well as for decontamination, disinfection and disposal procedures.

(1) Gloves:

(a) Disposable latex gloves will be a standard component of emergency response equipment, and will be donned by all personnel prior to initiating emergency care tasks involving exposure to blood or other body fluids to which universal precautions apply. Extra gloves will always be available. For situations where large amounts of blood are likely to be encountered, it is important that gloves fit tightly at the wrist to prevent blood contamination of hands around the cuff. For multiple trauma, gloves should be changed between patient contacts, if the emergency situation allows.

(b) Greater personal protective equipment measures are indicated for situations where broken glass and sharp edges are likely to be encountered, such as extricating a person from an automobile wreck. Structural firefighting gloves that meet the federal OSHA requirements for firefighters' gloves (as contained in 29 CFR 1910.156 or NFPA Standard 1973, Gloves for Structural Fire Fighters) will be worn in any situation where sharp or rough surfaces are likely to be encountered.

(c) While wearing gloves, avoid handling personal items such as comb or pen that could become soiled or contaminated. Gloves that have become contaminated with blood or other body fluids to which universal precautions apply should be removed as soon as possible, taking care to avoid skin contact with the exterior surface. Contaminated gloves should be placed and transported in biohazard plastic bags that prevent leakage and should be disposed of properly. (Refer to general information for disposal of biohazard waste.)

(2) Mask, eyewear and gowns:

(a) Masks, eyewear and gowns will be present on all emergency vehicles that respond or potentially respond to medical emergencies or victim rescues. These protective barriers should be used in accordance with the level of exposure encountered. Minor lacerations or small amounts of blood do not merit the same extent of barrier use as required for exsanguinating victims or massive arterial bleeding. Management of the victim who is not bleeding, and who has no bloody body fluids present, should not routinely require use of barrier precautions. Masks and eyewear (e.g., safety glasses) should be worn together, or a face shield should be used by all personnel prior to any

situation where splashes of blood or other body fluids to which universal precautions apply are likely to occur. Gowns or aprons should be worn to protect clothing from splashes with blood. If large splashes or quantities of blood are present or anticipated, impervious gowns or aprons should be worn. An extra change of work clothing should be available at all times.

(3) Resuscitation equipment:

(a) No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented. However, because of the risk of salivary transmission of these infectious diseases (e.g., herpes simplex) and the theoretical risk of HIV or HBV transmission during artificial ventilation of trauma victims, disposable airway equipment or resuscitation bags will be used. Disposable resuscitation equipment will be used once and disposed of in the proper manner. Reusable equipment and devices will be thoroughly cleaned and disinfected after each use according to manufacturer's recommendation.

(b) Mechanical respiratory assist devices (e.g., bag-valve masks, oxygen demand valve resuscitators) should be available on all emergency vehicles and to all emergency response personnel that respond or potentially respond to medical emergencies or victim rescues.

(c) Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with victims' blood and blood-contaminated saliva, respiratory secretions, and vomitus should be provided to all personnel who provide or potentially provide emergency treatment.

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 12. POLICE DEPARTMENT.

(A) Law enforcement personnel may face the risk of exposure to blood during the conduct of their duties. For example, at the crime scene or during processing of suspects, law enforcement personnel may encounter blood-contaminated hypodermic needles or weapons, or be called upon to assist with body removal.

(B) The following includes information for reducing the risk of acquiring HIV and HBV infection by law enforcement personnel as a consequence of carrying out their duties. There is an extremely diverse range of potential situations which may occur in the control of persons with unpredictable, violent or psychotic behavior; therefore, informed judgment of the individual officer is paramount when unusual circumstances or events arise. These recommendations should serve as an adjunct to rational decision-making in those situations where specific guidelines do not exist, particularly where immediate action is required to preserve life or prevent significant injury.

(1) Fights and assaults:

(a) Law enforcement personnel are exposed to a range of assaultive and disruptive behavior through which they may potentially become exposed to blood or other body fluids containing blood. Behaviors of particular concern are biting, attacks resulting in blood exposure, and attacks with sharp objects. Such behaviors may occur in situations including arrests, routine interrogations, domestic disputes, and lockup operations. Hand-to-hand combat may result in bleeding and may thus incur a greater chance of blood-to-blood exposure, which increases the chances for blood-borne disease transmission.

(b) Whenever possible exposure to blood or blood-contaminated body fluids exists, the appropriate protection should be worn, if feasible under the circumstances. In all cases, extreme caution must be used in dealing with the suspect or prisoner if there is any indication of assaultive or combative behavior. When blood is present and a suspect is combative or threatening to staff, gloves should always be put on as soon as conditions permit. In case of blood contamination to clothing, an extra change of clothing should be available at all times.

(2) Cardiopulmonary resuscitation:

(a) Law enforcement personnel must be concerned about infection with HIV and HBV through administration of CPR. Although there have been no documented cases of HIV transmission through this mechanism, the possibility of transmission of other infectious disease exists. Therefore, pocket masks with one-way valves will be made available to all officers, and training will be provided in proper use. These masks will prevent the victim's saliva or vomitus from entering the caregiver's mouth.

(3) Searching and evidence handling:

(a) Law enforcement personnel have potential risks of acquiring HBV or HIV infection through exposures which occur during searches and evidence handling. Penetrating injuries are known to occur, and puncture wounds or needle sticks in particular pose a hazard during searches of persons and/or vehicles, and during evidence handling. The following precautionary measures will help to reduce the risk of infection:

1. Law enforcement personnel should use great caution in searching the clothing of suspects. Individual discretion, based on the circumstances at hand, should determine if a suspect or prisoner should empty his own pockets or if the officer should use his own skills in determining the contents of the suspect's clothing.

2. A safe distance should always be maintained between the officer and the suspect.

3. Wear protective gloves if exposure to blood is likely to be encountered.

4. If cotton gloves are to be worn when working with evidence of potential latent fingerprint value at the crime scene, they can be worn over protective disposable gloves when exposure to blood may occur.

5. Always carry a flashlight, even during daylight shifts, to search hidden areas. Whenever possible, use long-handled mirrors and flashlights to search such areas (e.g., under car seats).

6. If searching a purse, carefully empty contents directly from purse by turning it upside down over a table.

7. Use puncture-proof containers to store sharp instruments, and clearly marked plastic bags to store other possible contaminated items. Puncture-resistant containers will be placed in each cruiser for disposal and transporting of sharps. Also, biohazard plastic bags will be placed in each unit for disposal of contaminated items (gloves, blood contaminated clothing, etc.). If these items are not to be used as evidence, they should be properly disposed of.

8. To avoid tearing gloves, use evidence tape instead of metal staples to seal evidence.

9. Procedures for evidence handling should be followed. In general, items should be air dried before sealing in plastic.

10. Law enforcement personnel may confront unusual hazards, especially when the crime scene involves violent behavior such as a homicide where large amounts of blood are present. Protective gloves will be available and worn in this setting. In addition, for very large spills, overalls, aprons, boots or protective shoe covers will be available and should be worn. They should be changed if torn or soiled, and always removed prior to leaving the scene. While wearing gloves, avoid handling personal items such as comb or pen that could become soiled or contaminated.

11. Airborne particles of dried blood may be generated when a stain is scraped. It is recommended that protective masks and eyewear or face shields be worn when removing blood stains.

12. While processing the crime scene, personnel should be alert for the presence of sharp objects such as hypodermic needles, knives, razors, broken glass, nails, or other sharp objects.

(4) Handling deceased persons and body removal:

(a) For detectives, investigators, evidence technicians, and others who have to touch or remove a body, the response should be the same as for situations requiring CPR or first aid: wear gloves and cover all cuts and abrasions to create a barrier

and carefully wash all exposed areas after any contact with blood. The precautions to be used with blood and deceased persons should also be used when handling amputated limbs, hands, or other body parts. Such procedures should be followed after contact with the blood of anyone, regardless of whether they are known or suspected to be infected with HIV or HBV.

(C) For information related to specific methods of handling and disposal of biohazard materials and decontamination, sterilization, and disinfecting of items, see general information sections of this policy. (Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 13. MEMBERS OF THE PARKS AND RECREATION DEPARTMENT (INCLUDING LIFE GUARDS).

(A) The guidelines that appear in this section apply to all personnel who may come into contact with human blood or body fluids.

(B) The following guidelines are intended to assist personnel in making decisions concerning the use of personal protective equipment.

(1) Gloves:

(a) Disposable latex gloves will be available, and will be donned by all personnel prior to initiating tasks involving exposure to blood or other body fluids to which universal precautions apply.

(b) While wearing gloves, avoid handling personal items such as comb or pen that could become soiled or contaminated. Gloves that have become contaminated with blood or other body fluids to which universal precautions apply should be removed as soon as possible, taking care to avoid skin contact with the exterior surface. Contaminated gloves should be placed and transported in biohazard plastic bags that prevent leakage and should be disposed of properly. (Refer to general information for disposal of biohazard waste.)

(2) Mask, eyewear and gowns:

(a) Masks, eyewear and gowns will be available for all personnel who are likely to come in contact with human blood or body fluids. Minor lacerations or small amounts of blood do not merit the same extent of barrier use as required for exsanguinating victims or massive arterial bleeding. Management of a person who is not bleeding, and who has no bloody body fluids present, should not routinely require use of barrier precautions. Masks and eyewear (e.g., safety glasses) should be worn together, or a face shield should be used by all personnel prior to any situation where splashes of blood or other body fluids to which universal precautions apply are likely to occur. Gowns or aprons should be worn to protect clothing from splashes with blood.

(3) Resuscitation equipment:

(a) No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented. However, because of the risk of salivary transmission of these infectious diseases (e.g., herpes simplex) and the theoretical risk of HIV or HBV transmission

during artificial ventilation of trauma victims, disposable airway equipment or resuscitation bags will be used. Disposable resuscitation equipment will be used once and disposed of in the proper manner. Reusable equipment and devices will be thoroughly cleaned and disinfected after each use according to manufacturer's recommendation. (Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 14. SANITATION PERSONNEL.

(A) Employees whose job tasks involve potential for exposure to blood or body fluids that could contain blood will be subject to this policy. Sanitation department personnel have the potential to come in contact with hypodermic needles, blood and body fluids, and other biohazard waste, so the following must be observed:

(1) Heavy-duty rubber gloves must be worn at all times when picking up trash. In addition, latex gloves will be made available on all sanitation trucks, and must be worn under the rubber gloves when there is visible evidence of potential exposure to blood or body fluids.

(2) Biohazard containers for sharps will be made available in the sanitation vehicle for proper storage of sharps prior to disposal.

(3) Please refer to the general policy regarding:

- (a) Universal precautions.
 - (b) Disposal of contaminated disposable personal protective equipment.
 - (c) Medical implications.
 - (d) Hand washing.
 - (e) Laundry.
 - (f) Use of gloves.
 - (g) Handling of infectious waste.
 - (h) Disinfecting of reusable personal protective equipment.
- (Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 15. MAINTENANCE WORKERS.

Since maintenance workers may be required to perform the duties of sanitation workers, the provisions of § 14 shall be applicable to all personnel assigned to this classification. (Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 16. MECHANIC/ASSISTANT MECHANIC.

Since the mechanic and assistant mechanic must work on the vehicles which transport garbage and refuse, the provisions of § 14 shall be applicable to all personnel assigned to these classifications.
(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

§ 17. HEPATITIS B VACCINATION DECLINATION.

I understand that due to my occupational exposure to blood and other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with HBV vaccine at no cost to me. I decline HBV vaccination at this time. I understand that by declining the vaccine I continue to be at risk of acquiring hepatitis B, a serious and potentially fatal liver infection.

If in the future, I continue to have occupational exposure with this employer to blood or other potentially infectious materials and I want to be vaccinated with HBV vaccine, I can receive the vaccination series (three injections over 6 months) at no cost to me.

Signature/date _____

Typed(or printed) Name _____

Witness/date _____

Witness/date _____

(Ord. 9-94, passed 3-14-94; Am. Ord. 22:2006, passed 8-17-06)

(6) Representative from Recreation Department

(7) Loss Prevention Officer who may take the place of one of the departmental representatives from his/her specific department.

(C) Loss prevention recommendations made by insurance companies, the state Fire Marshal, or the city's Safety and Loss Prevention Committee will be implemented whenever possible. In those cases in which recommendations cannot be followed, a written report of explanation or justification will be forwarded to the organization who issued it.

(Ord. 04:97, passed 2-10-97; Am. Ord. 22:2006, passed 8-17-06)

§ 4. RESPONSIBILITY FOR SAFETY.

The following have safety responsibilities:

(A) Mayor

(1) Has full responsibility for safety.

(2) Authorizes necessary expenditures to provide safe work conditions.

(3) Approves safety policies.

(4) Participates in safety by making safety tours, reviews safety reports, praises safe work methods, and ensures safety awareness among all supervisors and managers.

(B) Loss Prevention Officer

(1) Has primary responsibility for coordinating safety.

(2) Keeps and analyzes accident records.

(3) Conducts education activities.

(4) Serves on the Safety and Loss Prevention Committee.

(5) Supervises accident investigations.

(6) Issues reports on safety.

(7) Works with departmental supervisors in the formation of specific departmental safety policies and procedures.

(C) Department Supervisors

(1) Inspect work areas for compliance with safe work practices and rules.

(2) Train employees to work safely.

(3) Correct unsafe conditions and unsafe acts.

(4) Obtain first aid for injured employees.

(5) Report and investigate accidents to help determine cause and correct problem.

(6) Hold crew safety meetings.

(7) Discuss safety with individual employees.

(D) Employees

(1) Work in accordance with accepted safety practices.

(2) Report unsafe conditions and practices.

(3) Observe safety rules.

(4) Make safety suggestions.

(5) Ask for assistance or further explanation when needed.

(Ord. 04:97, passed 2-10-97; Am. Ord. 22:2006, passed 8-17-06)

§ 5. SAFETY RULES.

The following safety rules apply to all employees of the city. Each department will have additional rules and safe work practices which its employees will be required to follow. Department rules are in addition to these general safety rules:

(A) Smoking is allowed only in approved areas.

(B) Horseplay and fighting will not be tolerated and are prohibited in the work place.

(C) Possession of alcoholic beverages, illegal drugs or unauthorized medically prescribed drugs will not be tolerated and are prohibited in the work place.

(D) The employee's immediate supervisor must be informed if an employee is required to take medication during work hours. Written medical evidence stating that the medication will not adversely affect the employee's decision making or physical ability may be required.

(E) The supervisor must be notified of any permanent or temporary impairment that may reduce an employee's ability to perform in a safe manner.

(F) Personal protective equipment must be used when potential hazards cannot be eliminated.

(G) Equipment is to be operated only by trained and authorized personnel.

(H) Periodic inspections of work stations will be conducted to identify potential hazards and to ensure that equipment or vehicles are in safe operating condition.

(I) Any potentially unsafe conditions or acts are to be reported immediately to the supervisor.

(J) If there is any doubt about the safety of a work method, the supervisor should be consulted before beginning work.

(K) All accidents, near misses, injuries and property damage must be reported to a supervisor, regardless of the severity of the injury or damage.

(L) Failure to report an accident or known hazardous condition may be cause for disciplinary action.

(M) All employees must follow recommended work procedures outlined for their job, including safe work methods.

(N) Employees are responsible for maintaining an orderly environment. All tools and equipment must be stored in a designated place. Scrap and waste material are to be discarded in a designated refuse container.

(O) Any smoke, fire or unusual odors must be reported to the supervisor immediately.

(P) Employees who perform physical labor must use proper lifting techniques. For objects heavier than fifty (50) pounds, specific methods for safe lifting must be determined by the immediate supervisor.

(Q) Employees must never attempt to catch a falling object.

(R) If the work creates a potential slip or trip hazard, the hazard must be corrected immediately or the area clearly marked before leaving it unattended.

(S) Safety and restraint belts must be fastened before operating any motorized vehicle including tractors, mowers, and similar equipment when equipped with seat belts and roll over protective devices.

(T) Employees who operate vehicles must obey all driver safety instructions and comply with traffic signs, signals, and markers.

(U) Employees who are authorized to drive are responsible for having a valid driver's license for the class of vehicle they operate. Employees must report revocation of driver's license and must notify their supervisors of any driving citations received.

(V) All employees must know departmental rules regarding first aid, evacuation routes and fire department notification.

(W) Departmental rules and procedures specific to departmental operations must be followed by each employee in the department.

(X) Employees must assist and cooperate with all safety investigations and inspections and assist in implementing safety procedures as requested.

(Ord. 04:97, passed 2-10-97; Am. Ord. 22:2006, passed 8-17-06; Am. Ord. 26;2013, passed 10-14-13)

(D) Time elements:

(1) Non-work related:

(a) Non-work related TLD shall not exceed ninety calendar days; at the end of ninety days, employees may request the use of accrued sick and vacation leave, or may request leave without pay.

(b) Forty-five calendar days into the TLD program, employees must present a current statement from a medical doctor with an estimated date of return to regular duty in order to continue in the TLD assignment.

(c) Employees on non-work related TLD assignments shall utilize sick leave for all medical appointments.

(d) Prior to returning to full duty, a statement from a medical professional is required which gives full release for the employee to perform all essential job functions.

(2) Work-related:

(a) Upon assignment, work-related TLD shall not exceed 180 calendar days unless approved in advance by the Mayor; at least each 45 days employees on TLD shall present a current statement from a medical professional with an estimated date of return to regular duty.

(b) Employees on work-related TLD shall be entitled to up to 4 hours each week for medical appointments; therapy visits must be approved in advance, and documentation of visits must be presented to the assigned Department Director.

(c) Prior to returning to regular duty, a statement from a medical doctor is required which gives full release for the employee to perform all essential functions.

(E) Any time during the period of injury/illness an employee believes that he/she will never again be able to perform the essential functions of his/her classification, the employee should seek counseling from the Department Director and/or Human Resources Officer regarding employment alternatives, including, but not limited to:

(1) Seek a lateral transfer to a position where such duties can be performed, provided a vacancy exists and the employee meets the qualifications for the position.

(2) Apply for another position more compatible with the employee's physical condition, provided a vacancy exists and the employee meets the qualifications for the position.

(3) Apply for voluntary demotion to a vacant position, provided the employee meets the qualifications for the position.

(4) If disability warrants, submit application to CERS and/or Social Security.

(5) Seek employment outside the city service before TLD time has expired.

AGREEMENT

It is not the intent of this policy to "create work." Should productive appropriate work not be available, then the employee will not be allowed to return to work until able to perform regular duties in accordance with the provisions set forth in this policy.

Since each circumstance and situation is different, each situation should be carefully reviewed in order to proceed consistently and yet consider both the individual situation and rights, as well as the Commission's rights and needs, to remain fully staffed and productive.

I have read the above and fully understand and agree to comply with the guidelines set forth herein (see attached duties to be assigned during TLD period.)

TLD Employee's Signature

Date

Medical Doctor's Signature

Date

Assigned Department Director's Signature

Date

Human Resources Officer's Signature

Date

Complete and submit this section to the Human Resources Officer with the appropriate accompanying medical doctor's note(s) when an employee is placed on or relieved of TLD.

Name:

Department:

Employee Classification:

Date Illness/Injury Occurred:

Date of Beginning of TLD:

Date Expected to Return to Regular Duty:

Submitted by:

Date:

Work Related: Yes / No

cc: TLD Employee / Department Director / Employee File
(Ord. 22:2006, passed 8-17-06)

"COMPENSATION." Salary or wages and benefits earned by or paid to an employee.

"DEMOTION." The movement of an employee from a position in one class to a position in another class having a lower minimum starting salary and with less discretion and/or responsibility.

"DEPARTMENT." A work division of the city organized by functional area.

"DESIRABLE QUALIFICATIONS." The desired requirements as to education and work experience that qualify an applicant to be considered for examination and appointment with the city. Additional requirements may include necessary licenses, certificates, etc.

"DISABLED." Any person who has or is regarded as having a physical or mental impairment which substantially limits one or more of the person's major life functions, has a record of such impairment, or is perceived as having such an impairment. This definition does not include an individual who is a current alcohol or drug abuser whose use of alcohol or drugs prevents the individual from performing the duties of the job in question or would constitute a direct threat to the safety of the individual or others.

"DISCIPLINE." Any effort to instruct or punish an employee concerning inappropriate conduct and behavior requiring redirection. Types of discipline may include counseling, warnings, reprimands, suspensions, dismissals, and demotions.

"DISMISSAL." An involuntary separation of an employee.

"ELIGIBLE." A person who qualifies for consideration for appointment by meeting the minimum requirements and attaining at least a passing score on any required examination.

"EMPLOYEE." A person employed by the city.

"EMPLOYEE EVALUATION." A method of evaluating each employee on a periodic basis as to the employee's job performance.

"EMPLOYEE, EXEMPT." An employee whose classification is not covered by wage and hour laws and thus is not paid overtime.

"EMPLOYEE, FULL-TIME." An employee in an established position who is scheduled to work 37 ½ hours per week on a continuing basis.

"EMPLOYEE, NON-EXEMPT." An employee whose classification is covered by wage and hour laws and thus must be paid overtime for over 40 hours in a workweek.

"EMPLOYEE, PART-TIME." An employee who is scheduled to work less than the standard workweek on a continuing basis.

"EMPLOYEE, TEMPORARY OR SEASONAL." An employee who is appointed for a specific and limited period of time not to exceed _____ months.

"ESTABLISHED POSITION." A position, either full-time or part-time, established by the city.

"GRIEVANCE." Dissatisfaction expressed in writing concerning disciplinary matters or conditions of employment.

"HOURS PAID." The hours an employee is paid for, including hours worked and paid leave (i.e., holiday, vacation, sick, compensatory time, etc.).

"HOURS WORKED." The hours an employee actually works; does not include paid leave of any kind (i.e., holiday, vacation, sick, compensatory time, etc.).

"HOUSEHOLD." Those persons who share an employee's residence.

"HUMAN RESOURCES OFFICER." The employee designated to administer the human resources function for the city.

"IMMEDIATE FAMILY." An employee's spouse, children, step-children, parents, parents in law, step parents, grandparents, grandparents in law, brothers, step-brothers, sisters, step-sisters, grandchildren, legal guardian, and any household member for whom the employee has responsibility as reflected on the employee's income tax returns.

"LEAVE OF ABSENCE." An approved absence from work.

"MERIT INCREASE." A pay increase granted to an employee in recognition of job performance.

"MINIMUM REQUIREMENTS." The qualifications necessary to perform the work of a given classification.

"OVERTIME." Hours worked by a non-exempt employee in excess of forty (40) hours per week.

"POSITION." A collection of duties and responsibilities that may be performed by one person.

"PROMOTION." The movement of an employee from one position to a position in another classification having a higher salary grade and with more discretion and/or responsibility.

"REALLOCATION." The assignment of a position to a different class.

"REASSIGNMENT." The assignment of an employee from one position to another position within the same classification.

"RECLASSIFICATION." The assignment of an existing position from one class to a different class due to a significant change in duties and responsibilities.

"REDUCTION-IN-FORCE." A separation from employment due to lack of work, lack of funds, abolishment of the position, or for other material changes in duties or organization, in accordance with established policy.

"RESIGNATION." The voluntary separation of an employee.

"RETIREMENT." A voluntary separation from service with the city after which the employee starts participating in the County Employees Retirement System immediately upon separation from the city service.

"SEPARATION." The end of employment.

"SUSPENSION." An involuntary leave of absence.

"TRANSFER." A movement of any employee from one position to another having the same salary range and the same level of duties and responsibilities.

"UNIT." A component of a department organized by program area.

"VACANCY." An unoccupied position.
(Ord. 22:2006, passed 8-17-06)